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JOURNAL

OF THE

Vermont. Constitutional

CONVENTION,

HOLDEN AT MONTPELIER, ON THE 6TH DAY OF JANUARY,

A. D. 1836,

AGREEABLE TO THE

ORDINANCE OF THE COUNCIL OF CENSORS,

MADE ON THE 16TH DAY OF JANUARY, 1835,

TOGETHER WITH THE

AMENDMENTS OF THE CONSTITUTION,

AS ADOPTED BY THE CONVENTION,

AND THE WHOLE OF THE

Constitution of the State of Vermont,

AS NOW IN FORCE.

PUBLISHED BY ORDER OF THE CONVENTION.

St

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JOURNAL.

On the first Wednesday of January, A. D. 1836, it being the 6th day of January, A. D. 1836, pursuant to the Ordinance of the Council of Censors, made on the 16th day of January, A. D. 1835, the Delegates elected by the several towns in the State of Vermont, met at Montpelier, for the purpose of taking into consideration the amendments, alterations and additions to the Constitution of the State of Vermont, proposed by the Council of Censors on the 15th day of January, A. D. 1835.

The Convention being called to order by Mr. *Brownell*, of Williston,

The Hon. PHINEAS WHITE, of Putney, was appointed Chairman, *pro tempore*,

LUTHER B. HUNT, Esq. of St. Albans, Secretary, *pro tempore*, and

PAUL DILLINGHAM, Jr. Esq. Assistant Secretary, *pro tempore*.

The following named persons produced their credentials and took their seats in the Convention, viz:

BENNINGTON COUNTY.

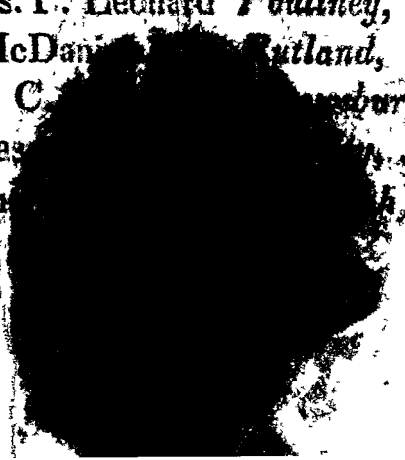
Arlington, Sylvester Demming
Bennington, John Vanderspeigle
Dorset, Cyrus Armstrong
Glastenbury, Asa G. Hewes
Landgrove, David Wiley
Manchester, Leonard Sargeant
Pownal, David Gardner
Peru, Samuel Stone
Readsboro', Jacob Hix
Rupert, Seth Moore
Sandgate, Samuel Thomas
Searsburgh, John Knapp
Shaftsbury, Nathan H. Bottom
Stamford, Stephen C. Millard
Sunderland, Ethan Bradley
Winhall, Francis Kidder, Jr.
Woodford, Joseph Knapp

WINDHAM COUNTY.

Acton, Nathan Fisher
Athens, Abraham Ball, Jr.
Brookline, William Perry
Brattleboro' Samuel Clark
Dover, Lewis Hall
Dummerston, Samuel Knight
Grafton, William Stickney
Guilford, Elisha Field
Halifax, James L. Stark
Jamaica, Timothy Goodale
Londanderry, Curtis Robinson
Marlboro', Phineas Mather, Jr.
Newfane, Walter Eager
Putney, Phineas White
Rockingham, Eleazer Albee
Stratton, Benj. Thatcher
Somerset, Jonathan Pike
Townsend, Wm. R. Shafter
Vernon, Elijah Stebbins
Westminster, Timothy Field
Whitingham, David Chase 2d
Wilmington, Chs. K. Field
Windham, Amos Emery
Wardsboro', Emery Wheelock

RUTLAND COUNTY.

Benson, Rowland P. Cooley
Brandon, Josiah W. Hale
Castleton, Selah H. Merrill
Clarendon, Linsay Rounds
Chittenden, Thos. P. Leonard
Danby, James McDan[illegible]
Fairhaven, Wm. C[illegible]
Ira, Leonard Ma[illegible]
Middletown, Jon[illegible]
Orwell, Jas. H. Chittenden
Pawlet, Nathaniel Harmon
Pittsford, Caleb Hendee
Pittsfield, Erastus Holt
Poultney, Joel Beeman
Rutland, Solomon Foote
[illegible]*bury*, Noah Johnson
[illegible], John C. Sawyer
[illegible], Obadiah Noble



Mt. Holly, David French
Mt. Tabor, Gideon S. Tabor
Mendon, Timothy Gibson
Wallingford, Mosley Hall
Wells, Westley Clement
West Haven, Oliver Hitchcock

WINDSOR COUNTY.

Andover, Joel Balch
Barnard, Ebenezer Richmond
Bethel, James Wallace
Bridgewater, David Thompson
Chester, Rufus Bruce
Cavendish, Levi Jackman
Hartford, Andrew Tracy
Hartland, David H. Sumner
Ludlow, Asahel Smith
Norwich, John Wright
Plymouth, John S. Fullerton
Pomfret, Henry Hewett
Reading, John Watkins
Rochester, John Chaffee
Royalton, Jacob Collamer
Sharon, Alexander F. Bean
Springfield, Nomlas Cobb
Stockbridge, Daniel Gay, Jr.
Weathersfield, Ebenezer Shedd
Weston, Asa B. Foster
Windsor, Asa Aikins
Woodstock, Oliver P. Chandler

ADDISON COUNTY.

Addison, David Whitney
Bridport, Seneca Austin
Bristol, Henry Soper
Cornwall, Wm. Hamilton
Ferrisburgh, Daniel Marsh
Goshen, William Carlisle 3d
Granville, Joel Rice
Hancock, Chs. Church
Leicester, Silas W. Stanley
Lincoln, John Bush
Middlebury, Samuel Swift
Monkton, L. B. Smith
New Haven, Elias Bottom
Panton, Friend Adams
Ripton, Daniel Chipman
Salisbury, Prentice G. Alden
Shoreham, Kent Wright
Starksboro', Ira Bushnell
Vergennes, Villa Lawrence
Waltham, Lyman E. Husted
Weybridge, Miles Stowe
Whiting, Samuel T. Walker

ORANGE COUNTY.

Bradford, Geo. W. Prichard
Braintree, Elijah Flint,
Brookfield, Frederick Gr
Chelsea, John W. Smith
Corinth, Geo. Sleeper
Randolph, Calvin Blodget
Nathaniel Morrill
Lyman Fitch
nathan Jenness
lijah Dickerson

Fairlee, Phineas Bailey
Newbury, Tappan Stevens
Orange, Luther Carpenter
Washington, Wm. Huntington
West Fairlee, Wm. Niles
Williamstown, B. Newcomb

CHITTENDEN COUNTY.

Bolton, John Pineo
Burlington, John N. Pomeroy
Charlotte, Lyman Yale
Colchester, James Langshore
Essex, Ezra Slater
Hinesburgh, Stephen Boynton
Huntington, Selah Ambler
Jerico, Truman Galusha
Mansfield, Ivory Luce
Milton, Daniel H. Onion
Richmond, Artemas Flagg
Shelburn, Ezra Meech
St. George, Reuben Lockwood
Underhill, Joseph Wells
Westford, Danforth Wales
Williston, Chauncey Brownell

WASHINGTON COUNTY.

Barre, Alvin Carter
Berlin, Abel Knapp
Calais, Shubel Wheeler
Duxbury, David Belding
Elmore, Peleg Scofield
Fayston, Peter Drew
Marshfield, Horace Hollister
Middlesex, Rufus Chamberlain
Montpelier, Nahum Kelton
Moretown, Ira Carpenter
Northfield, Elijah Smith, Jr.
Plainfield, James Palmer
Roxbury, Nathan Morse
Stowe, Orion W. Butler
Waitsfield, Mathias S. Jones
Warren, Artemas Cushman
Waterbury, Paul Dillingham, Jr.
Woodbury, Ebenezer Bruce
Worcester, Allen Vail

CALEDONIA COUNTY.

Cabot, John W. Dana
Danville, Wm. A. Palmer
Hardwick, Timothy P. Fuller
Lyndon, Geo. C. Cahoon
Kirby, James Church
Peacham, John Ma[illegible]
Groton, Thomas B[illegible]
Barnet, William S[illegible]
Ryegate, Ebenezer Morrill
St. Johnsbury, Luther Jewett
Burke, Rufus Goddings
Newark, Alpheus Stoddard
[illegible]*utton*, John Beckwith
[illegible]*eld*, James Townsend
[illegible]*n*, Daniel Wooster
[illegible]*ord*, Robert Taggard

FRANKLIN COUNTY.

Bakersfield, Thomas Childs
Belvidere, Alva Chaffee
Berkshire, Penuel Leavens
Cambridge, Henry Stowell
Enosburgh, Theop. Mansfield
Fairfax, Joseph Beeman
Fairfield, Joseph Soule
Fletcher, Ira Hatch
Franklin, Orville Kimpton
Georgia, Elijah Dee
Highgate, Robert L. Paddock
Johnson, Levi B. Vilas
Montgomery, Daniel Barrows
Richford, Alden Sears
Sheldon, James Mason
St. Albans, Luther B. Hunt
Swanton, Lewis Janes
Waterville, Moses Fisk

ORLEANS COUNTY.

Albany, Enoch Rowell
Barton, James May
Brownington, Amherst Stewart
Charleston, Ebenezer Cole
Coventry. Philip Flanders
Craftsbury, Joseph Scott
Derby, Timothy Hinman
Eden, Martin Wheelock
Glover, Warren Sartwell
Greensboro', Stephen Sherman
Holland, Jason Hinman
Hydepark, Russell B. Hyde
Irasburgh, John Kellam
Jay, Walter Charlton
Lowell, Heman W. W. Miller
Morgan, Ira Leavens
Morristown, Joseph Sears
Newport, Asa B. Moore
Troy, Frederick Fuller
Salem, Samuel Blake
Westfield, Luke Miller
Westmore, Peter Gilman
Wolcott, Thomas Taylor

GRAND ISLE COUNTY.

Alburgh, Henry H. Reynolds
Grand Isle, Jabez Ladd
Isle La Mott, Ira Hill
North Hero, Elijah Haynes
South Hero, Calvin Fletcher

ESSEX COUNTY.

Bloomfield, Joseph Stearns
Brighton, Elijah Bailey
Brunswick, Daniel Schoff,
Concord, Harvey G. Fry
[illegible]hall, John Dewey
[illegible]n, Stephen Harris
[illegible]gh, Stephen Howe
[illegible] Joseph Gleason

On motion, Mr. *Vilas*, of Johnson, introduced the following resolution, viz :

Resolved, That the Rules of the last Convention called by the Council of Censors, be adopted as the Rules of this Convention, until others are provided.

Which was read and adopted.

The Convention adjourned to 2 o'clock, P. M.

WEDNESDAY, JAN. 6TH, 2 O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion, Mr. *Cahoon*, of Lyndon, introduced the following resolution, viz :

Resolved, That the officers of this Convention shall consist of a President, Secretary and Assistant Secretary.

Which was read and adopted.

On motion, Mr. *Brownell* introduced the following resolution :

Resolved, That the Convention now proceed, by ballot, to the election of the officers of this Convention.

Which was read and adopted.

The ballots being duly taken, sorted and counted for President,

The Hon. LYMAN FITCH was duly elected.

On motion of Mr. *Dillingham*, the Convention voted to dispense with the balloting for Secretary and Assistant Secretary, and proceed to the electio[redacted]tion.

When Mr. *Foote*, [redacted]ominated LUTHER B. HUNT, Esq. of St. A[redacted]uly elected Secretary.

Mr. *Dillingham*, of Waterbury, nominated ELIJAH SMITH, Jr. Esq. of Northfield, who was duly elected Assistant Secretary.

On motion, Mr. *Foote*, of Rutland, introduced the following resolution, viz:

Resolved, That a committee consisting of three members of this Convention, be appointed to draft and report Rules for the regulation and government of this Convention.

Which was read and adopted.

Messrs. Foote, Collamer and Jenness were appointed on the committee.

On motion, Mr. *Brownell*, of Williston, introduced the following resolution, viz:

Resolved, That the Rev. Chester Wright be invited to attend this Convention, and officiate as chaplain of the Convention during the session thereof.

Which was read and adopted.

On motion, Mr. *Foote* of Rutland, introduced the following resolution, viz:

Resolved, That the Articles of amendment, alteration and addition to the Constitution, as proposed by the Council of Censors, together with the Articles of the Constitution of the State of Vermont proposed to be amended, altered or abolished, and the Address of the Council of Censors to the People, be now read.

Which was read and adopted.

The Articles of amendment, alteration and addition to the Constitution of the State of Vermont, proposed by the Council of Censors on the 15th day of January, 1835; and

The Articles of the Constitution of the State of Vermont proposed to be amended, altered or abolished, by the Council of Censors, together with their Address to the People, were then read in the words and figures following:

ARTICLES

Of amendment, alteration and addition, to the Constitution of the State of Vermont, proposed by the Council of Censors on the 15th day of January, A. D. 1835.

ARTICLE 1ST. *Sheriffs* and *High Bailiffs* shall be elected by the freemen of their respective Counties,—and shall hold their offices for the term of three years,—Sheriffs shall give bonds in such manner and amount as the Legislature shall direct,—and the Sheriffs shall not be re-eligible to the same office during the three years next following the term for which they shall have been elected.

ARTICLE 2D. *State's Attornies* shall be annually elected by the freemen of their respective Counties.

ARTICLE 3D. *Judges of Probate* shall be annually elected by the freemen of their respective Probate Districts.

ARTICLE 4TH. The election to the several offices mentioned in the preceding Articles, shall be made at the times and in the manner now directed in the Constitution for the choice of Councillors.—And the proper officer, after he shall have sealed up and directed the votes, shall deliver them to some Representative chosen to attend the General Assembly.—And at the opening of the General Assembly, there shall be a Committee appointed out of the same, who shall be sworn, and shall proceed to receive, sort and count the votes. And the highest in nomination for the respective offices shall be by said Committee declared duly elected, —and by the Governor be duly commissioned; and if two or more persons designated for any one such office, shall have received an equal number of votes, the General Assembly shall elect one of them, who shall serve as aforesaid.

ARTICLE 5TH. *Justices of the Peace,* not exceeding ten to each town, shall be annually elected by the freemen thereof,—and until otherwise provided by [illegible] election shall be made on the day and in the manner [illegible]ted for the choice of Represen-

tatives to the General Assembly,—and it shall be the duty of the Town Clerk of each town, for the time being, to make a certificate of the names of such persons, who shall have been duly elected to said office, directed to the Governor, who, on receiving such certificate, shall commission the same.

ARTICLE 6TH. The most numerous branch of the Legislature of this State shall hereafter be styled the House of Representatives.

ARTICLE 7TH. The Supreme Legislative power of this State shall hereafter be exercised by a Senate and the House of Representatives; which shall be styled, "The General Assembly of the State of Vermont."—Each shall have and exercise the like powers in all acts of Legislation; and no bill, resolution, or other thing, which shall have been passed by the one, shall have the effect of, or be declared to be, a law, without the concurrence of the other.

Provided, That all Revenue bills shall originate in the House of Representatives,—but the Senate may propose or concur with with amendments, as on other bills. Neither House during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting,—and in case of disagreement between the two Houses, with respect to adjournment, the Governor may adjourn them to such time as he shall think proper.

ARTICLE 8TH. The Senate shall be composed of thirty Senators, to be of the freemen of the County for which they are elected, respectively, who are thirty years of age or upwards, and to be annually elected by the freemen of each County respectively. Each County shall be entitled to one Senator, at least, and the remainder of the Senators shall be apportioned to the several Counties according to their population, as the same was ascertained by the last Census, taken under the authority of the United States—regard being always had, in such apportionment, to the Counties

having the greatest fraction.—But the several Counties shall, until after the next Census of the United States, be entitled to elect, and have their Senators, in the following proportion, to wit:

Bennington county, two; Windham county, three; Rutland county, three; Windsor county, four; Addison county, three; Orange county, three; Washington county, two; Chittenden county, two; Caledonia county, two; Franklin county, three; Orleans county, one; Essex county, one; Grand Isle county, one.

The Legislature shall make a new apportionment of the Senators, to the several Counties, after the taking of each Census of the United States, or Census taken, for the purpose of such apportionment, by order of the Government of this State—always regarding the above provisions in this article.

ARTICLE 9TH. The freemen of the several towns in each County shall annually, give their votes for the Senators, apportioned to such County, at the same time, and under the same regulations, as are now provided for the election of Councillors.—And the person or persons, equal in number to the number of Senators apportioned to such County, having the greatest number of legal votes in such County respectively, shall be the Senator or Senators of such County.—At every election of Senators, after the votes shall have been taken, the Constable or presiding officer, assisted by the Selectmen and civil authority present, shall sort and count the said votes, and make two lists of the names of each person, with the number of votes given for each annexed to his name, a record of which shall be made in the Town Clerk's office, and shall seal up said lists, separately, and write on each the name of the town, and these words, "Votes for Senator," or "Votes for Senators," as the case may be, one of which lists shall be delivered, by the presiding officer, to the Representative of said town, (if any) and if none be chosen, to the Representative of an adjoining town, to be transmitted to the President of the Senate;—the other list, the said presiding officer, shall within ten days, deliver to the Clerk of the County Court, for the same County,—and the

Clerk of each County Court, respectively, or in case of his absence, or disability, the Sheriff of such County, or in case of the absence or disability of both, the High Bailiff of such County, on the tenth day after such election, shall publicly open, sort, and count said votes;—and make a record of the same in the office of the Clerk of the County Court, a copy of which he shall transmit to the Senate:—and shall also, within ten days thereafter, transmit to the person or persons elected, a certificate of his or their election.

Provided, However, that the General Assembly shall have power to regulate by Law the mode of ballotting for Senators, within the several Counties, and to prescribe the means, and the manner by which the result of the ballotting shall be ascertained, and through which the Senators chosen shall be certified of their election, and for filling all vacancies in the Senate, which shall happen by death, resignation, or otherwise. But they shall not have power to apportion the Senators to the several Counties, otherwise than according to the population thereof, agreeably to the provisions herein before ordained.

Article 10th. The Senate shall have the like powers to decide on the election and qualifications of, and to expel any of its members, make its own rules, and appoint its own officers, as are incident to, or are possessed by, the House of Representatives.—A majority shall constitute a quorum. The Lieut. Governor shall be President of the Senate, except when he shall exercise the office of Governor, or when his office shall be vacant, or in his absence; in which cases the Senate shall appoint one of its own members to be President of the Senate, *pro tempore*. And the President of the Senate shall have a casting vote, but no other.

Article 11th. The Senate shall have the sole power of trying and deciding upon all impeachments—when sitting for that purpose, they shall be on oath, or affirmation, and no person shall be convicted, without the concurrence of two thirds of the members present. Judgment in cases of impeachment, shall not extend farther than to removal from office—and disqualification to

hold or enjoy any office of honor, or profit, or trust, under this State. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

ARTICLE 12TH. The Supreme Executive power of this State, shall be exercised by the Governor, or in case of his absence, or disability, by the Lieut. Governor; who shall have all the powers, perform all the duties vested in, and enjoined upon the Governor and Council, by the Eleventh and Twenty-seventh Sections of the second Chapter of the Constitution, as at the present established, excepting that he shall not sit as a judge, in case of impeachment, nor grant reprieve or pardon, in any such case; nor shall he command the forces of the State in person, in time of war, or insurrection, unless by the advice and consent of the Senate; and no longer than they shall approve thereof. The Governor may have a Secretary of civil and military affairs, to be by him appointed during pleasure, whose services he may at all times command, and for whose compensation provision shall be made by law.

ARTICLE 13TH. The votes for Governor, Lieut. Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and the House of Representatives. If, at any time, there shall be no election, by the freemen, of Governor, Lieut. Governor, or Treasurer, of the State, the Senate and House of Representatives shall, by a joint ballot, elect to fill the office, not filled by the freemen as aforesaid, one of the three candidates for such office, (if there be so many) for whom the greatest number of votes shall have been returned.

ARTICLE 14TH. The Secretary of State, and all officers, whose elections are not otherwise provided for, and who under the existing provisions of the Constitution, are elected by the Council and House of Representatives, shall, hereafter, be elected by the Senate and House of Representatives, in joint assembly, at which the presiding officer of the Senate shall preside; and such presiding officer in such joint assembly shall have a casting vote, and no other.

ARTICLE 15TH. Every bill which shall have passed the Senate and House of Representatives, shall, before it become a law, be presented to the Governor; if he approve, he shall sign it; if not, he shall return it, with his objections in writing, to the House in which it shall have originated; which shall proceed to reconsider it. If, upon such reconsideration, a majority of the House shall pass the bill, it shall, together with the objections, be sent to the other House, by which it shall, likewise, be reconsidered, and if approved by a majority of that House, it shall become a law. But in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the journal of each House, respectively. If any bill shall not be returned by the Governor, as aforesaid, within five days, (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it; unless the two Houses, by their adjournment, within three days after the presentment of such bill, shall prevent its return; in which case it shall not become a law.

ARTICLE 16TH. The Legislature shall have power to divide the State, for the election of Senators, into convenient Districts, which may, from time to time, be altered and new districts established, as public convenience may require; and the Senators shall be apportioned among the several districts, according to their population, and according to the last Census, next before such appointment. *Provided*, Also, that the General Assembly shall have power to regulate, by law, the mode of balloting for the Senators, within the several districts; and, to provide the means and manner, by which, the result of such balloting, shall be ascertained, and by, and through which, the Senators shall be certified of their election; but they shall not have power to increase the number of Senators, or, to apportion them to the several districts, otherwise, than according to the population, as near as may be, agreeably to the provisions herein, before, ordained.

ARTICLE 17TH. The laws which shall be enacted, in pursuance, and by virtue of the preceding Article, so long as the same shall remain in force, shall supersede, and thereby suspend the pro-

visions of so much of the Eighth Article of these Amendments, as provides for the choice of Senators by Counties.

ARTICLE 18TH. The Writ of Habeas Corpus shall in no case be suspended.—It shall be a writ, issuable of right; and the General Assembly shall make provision to render it a speedy and effectual remedy in all cases proper therefore.

ARTICLE 19TH. Whenever any Council of Censors shall propose any amendment, explanation, or alteration, or addition to the Constitution of this State, they shall propose the same directly to the people, for their adoption or rejection, instead of calling a Convention to adopt or reject the same; in which case they shall by an ordinance, to be by them promulgated for that purpose, call upon the freemen of the State, qualified to vote for Representatives to the General Assembly, to meet at the place of their last freemen's meeting, in their towns respectively, on a day and hour to be by them designated in such ordinance, for the purpose of voting upon the amendments which the Council of Censors shall have proposed. And the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day of such freemen's meeting. And the Council of Censors shall, in such ordinance, designate the method in which the freemen shall be supplied with ballots, the manner in which their votes shall be expressed, the time place, and manner of their return, and how, and by whom the result shall be ascertained and certified to the Governor. And when the result of such balloting shall have been certified to the Governor, or in his absence, to the Lieutenant Governor, he shall, by proclamation, make the same known to the people. And such Article or Articles as shall have been adopted by a majority of the freemen voting as aforesaid, he shall cause to be transcribed and certified under his hand and seal of the State, and deposited in the office of the Secretary of State; and the Secretary of State shall record the same. And they shall thereupon become, and henceforth be, a part of the Constitution of this State, and, as such, binding on the inhabitants thereof forever.

ARTICLE 20TH. Such parts and provisions only of the Constitution of this State, established by Convention on the ninth day of July, one thousand seven hundred and ninety-three, as are altered or superseded by any of the foregoing amendments, or are repugnant thereto, shall hereafter cease to have effect.

ARTICLES.

Of the Constitution of the State of Vermont, proposed to be amended, altered, or abolished by the Council of Censors.

In Chapter I. entitled, a "Declaration of the Rights of the State of Vermont," no article is altered, abolished, or superseded by any of the proposed amendments.

In Chapter II. entitled, a "Plan or frame of Government," the following sections are altered, abolished, or superseded, either in whole, or in part:

SECTION 1. The commonwealth or State of Vermont shall be governed hereafter by a Governor, (or Lieutenant Governor,) Council, and an Assembly of the Representatives of the freemen of the same, in manner and form following:

SECTION 2. The supreme legislative power shall be vested in a House of Representatives of the freemen of the commonwealth or State of Vermont.

SECTION 3. The supreme executive power shall be vested in a Governor, or, in his absence, a Lieutenant Governor, and Council.

SECTION 9. The Representatives so chosen, (a majority of whom shall constitute a quorum for transacting any other business than raising a state-tax, for which two-thirds of the members e-

lected shall be present,) shall meet on the second Thursday of the succeeding October, and shall be styled, *The General Assembly of the State of Vermont*: they shall have power to choose their Speaker, Secretary of State, their Clerk, and other necessary officers of the house; sit on their own adjournments; prepare bills and enact them into laws; judge of the elections and qualifications of their own members: they may expel members, but not for causes known to their constituents antecedent to their election; they may administer oaths and affirmations in matters depending before them; redress grievances; impeach state criminals; grant charters of incorporation; constitute towns, boroughs, cities and counties: they may annually, on their first session after their election, in conjunction with the Council, (or oftener if need be) elect judges of the Supreme and several county and probate courts, sheriffs, and justices of the peace; and also, with the Council, may elect major-generals and brigadier-generals, from time to time, as often as there shall be occasion; and they shall have all other powers necessary for the legislature of a free and sovereign state. But they shall have no power to add to, alter, abolish, or infringe, any part of this constitution.

SECTION 10. The supreme executive Council of this state shall consist of a Governor, Lieutenant Governor, and twelve persons, chosen in the following manner, to wit;—the freemen of each town shall, on the day of the election for choosing representatives to attend the General Assembly, bring in their votes for Governor, with his name fairly written, to the constable, who shall seal them up and write on them, "*Votes for Governor*," and deliver them to the representative chosen to attend the General Assembly. And at the opening of the General Assembly there shall be a committee appointed, out of the Council and Assembly, who after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the Governor, and declare the person who has the major part of the votes, to be Governor for the year ensuing. And if there be no choice made then the Council and General Assembly, by their joint ballots, shall make choice of a Governor. The Lieutenant Governor, and

[illegible], shall be chosen in the manner above directed. And

each freeman shall give in twelve votes for twelve councillors, in the same manner, and the twelve highest in nomination shall serve for the ensuing year, as councillors.

SECTION 11. The Governor, and in his absence the Lieutenant Governor, with the Council, (a major part of whom, including the Governor or Lieutenant Governor, shall be a quorum to transact business) shall have power to commission all officers, and also to appoint officers, except where provision is or shall be otherwise made by law, or this frame of government; and shall supply every vacancy in any office, occasioned by death, or otherwise, until the office can be filled in the manner directed by law, or this constitution:—

They are to correspond with other states; transact business with officers of government, civil and military, and to prepare such business as may appear to them necessary to lay before the General Assembly: they shall sit as judges to hear and determine on impeachments, taking to their assistance, for advice only, the judges of the Supreme Court; and shall have power to grant pardons and remit fines, in all cases whatsoever, except in treason, and murder, in which they shall have power to grant reprieves, but not to pardon until after the end of the next session of Assembly; and except in cases of impeachment in which there shall be no remission or mitigation of punishment, but by act of legislation: they are to take care that the laws be faithfully executed: they are to expedite the execution of such measures as may be resolved upon by the General Assembly; and they may draw upon the treasury for such sums as may be appropriated by the House of Representatives; they may also lay embargos, or prohibit the exportation of any commodity for any time not exceeding thirty days, in the recess of the house only. They may grant such licenses as shall be directed by law; and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be captain-general and commander in chief of the forces of the state, but shall not command in person, except advised thereto by the Council, and then only so long as they shall approve thereof. And the Lieutenant Governor shall, by virtue of his of-

fice, be lieutenant-general of all the forces of the state. The Governor, or Lieutenant Governor, and the Council, shall meet at the time and place with the General Assembly; the Lieutenant Governor shall, during the presence of the commander in chief, vote and act as one of the Council; and the Governor, and in his absence the Lieutenant Governor, shall, by virtue of their offices, preside in Council, and have a casting, but no other vote. Every member of the Council shall be a justice of the peace for the whole state, by virtue of his office. The Governor and Council shall have a Secretary, and keep fair books of their proceedings, wherein any councillor may enter his dissent, with his reasons to support it. And the Governor may appoint a Secretary for himself and his Council.

Section 16. To the end that laws, before they are enacted may be more maturely considered, and the inconvenience of hasty determination as much as possible prevented, all bills which originate in the Assembly shall be laid before the Governor and Council, for their revision and concurrence, or proposals of amendment, who shall return the same to the Assembly, with their proposals of amendment, if any, in writing; and if the same are not agreed to by the Assembly, it shall be in the power of the Governor and Council to suspend the passing of such bills until the next session of the legislature. *Provided*, that if the Governor and Council shall neglect or refuse to return any such bill to the Assembly, with written proposals of amendment, within five days, or before the rising of the legislature, the same shall become a law.

Section 24. Every officer of state, whether judicial or executive, shall be liable to be impeached by the General Assembly, either when in office, or after his resignation, or removal, for maladministration. All impeachments shall be before the Governor and Council, who shall hear and determine the same, and may award costs; and no trial or impeachment shall be a bar to a prosecution at law.

Section 27. The treasurer of the state shall before the Governor and Council, give sufficient security to the secretary of state,

in behalf of the General Assembly, and each high sheriff, before the first judge of the county court, to the treasurer of their respective counties, previous to their repectively entering upon the execution of their offices, in such manner and in such sums, as shall be directed by the legislature.

SECTION 43. In order that the freedom of this commonwealth may be preserved inviolate forever, there shall be chosen by ballot, by the freemen of this state, on the last Wednesday in March, in the year one thousand seven hundred and ninety-nine, and on the last Wednesday in March in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the Council is chosen, except they shall not be out of the Council or General Assembly, to be called, *The Council of Censors*, who shall meet together on the first Wednesday of June next ensuing their election, the majority of whom shall be a quorum in every case except as to calling a convention, in which two-thirds of the whole number elected shall agree; and whose duty it shall be to enquire, whether the constitution has been preserved inviolate in every part, during the last septenary, (including the year of their service,) and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are entitled to by the constitution. They are also to enquire whether the public taxes have been justly laid, and collected in all parts of this commonwealth; in what manner the public monies have been disposed of, and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers and records; they shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as shall appear to them to have been passed contrary to the principles of the constitution: these powers they shall continue to have for and during the space of one year from the day of their election, and no longer. The said Council of Censors shall also have power to call a convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution, which may be defective, explaining such as may be

thought not clearly expressed, and of adding such as are necessary, for the preservation of the rights and happiness of the people. But the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

ADDRESS.

To the People of the State of Vermont:

The Council of Censors, elected by the Freemen of the State on the last Wednesday in March, 1834, pursuant to the 43d Article of the Constitution, having considered and deliberated upon the various subjects, by that article referred to us for consideration, have now the honor of submitting to your consideration the result of our deliberations, so far as your future action thereon has become constitutionally necessary.

Among the *duties* assigned us by the Constitution, are the proposing any amendments, explanations, or additions to any article of the constitution, in our opinion, necessary for the better preservation of the rights and happiness of the people. In the discharge of these duties, we have carefully examined into the constitution, and its various provisions, and have pointed out several defects therein, as a plan of government, and have proposed the appropriate remedies.

Among the *powers* assigned us, is that of calling a Convention: in the exercise of this power, we have resolved to call a convention, to consider of the proposals we offer as remedies to the de-

fects in the constitution, as a plan of government, the better to secure the rights and happiness of the people.

We believe that the framers of the constitution had in view, not only an equal representation of the people in the delegation of powers, but also intended to make provision, in that instrument, for the proper checks and balances in the legislative department, to the end that hasty and improvident legislation might thereby be avoided.

An examination of the constitution, and its provisions, will, we believe, satisfy any one that it was designed for, and adapted to, a people, few in number, whose business relations were few and simple, and but little advanced in agriculture, commerce and arts; and that however wisely it may have been adapted to the infancy of the state, in commencing government, the changes which an increased population has produced, and the more multiplied and complicated relations which have sprung up, in the course of forty years, call for a more artificial and perfect system of government, than is to be found in that instrument.

The constitution of the United States, and those of nearly all our sister states, show that a division of the legislature into two separate branches, with co-ordinate powers, has been found best adapted to ensure safety and stability in legislation, and to prevent a hasty and improvident exercise of legislative authority.

It is believed that wherever supreme legislative power is vested in a single individual, or in a single assembly, *unchecked*, the *tendency* of the exercise of that power is, in the former case, to despotism—in the latter, to anarchy.

In the structure of the best constitutions of government, wherein all the rights, and the rights of all, are best secured, it will be found that peculiar care has been taken, in the structure of those forms, to provide suitable checks in the distribution of powers to the different branches of the law-making power, in a manner most effectually to guard against a hasty or undue exercise of that power.

We believe that the framers of the present constitution, in making provision in that instrument, for the Executive council, had this object in view. This belief is strengthened by the fact that

for thirty years next following the adoption of the constitution, in 1793, the grant of legislative authority, by that instrument, to the Executive council, was never denied, or seriously doubted; and during the same period, that council did, to every *practical* purpose, hold and exercise, parity of powers, with the House of Representatives, in all matters of legislation; nor was this power denied or questioned, so long as the framers of the constitution, or their cotemporaries, continued to take part in the councils of the state. They were the best expositors of their own design in the grant of powers by that instrument. Nor is it recollected, that, during the same period, any collisions arose between the council and House of Representatives, in regard to the powers of the former; and their exercise of them was, at least, acquiesced in.—Those patriotic men have passed away, and others have succeeded to their places in the councils of state.

The recent history of our state legislation will show how very imperfectly this provision has answered the design of its patriotic authors.

Within the last few years, an examination into the constitution in regard to the grant of legislative authority to the Executive council has resulted in the denial, by the House of Representatives, of the existence of any such authority. The council may revise a bill, or concur in passing it, or propose amendments to it; but these acts are now declared to be subordinate to the will of the House of Representatives, who claim and exercise supreme and uncontrolled legislative authority. The utmost power or control which the council have over a bill, is to retard its passage one year—after which, it becomes a law without their concurrence or control. Repeated instances of this kind have recently occurred.

The House of Representatives being elected, one from each organized town, by the freemen thereof, without regard to the number of inhabitants, and that being very unequal in the different towns, renders the representation also very unequal; a town which contains twenty freemen, which sends a representative,

has the same voice in the legislature, as a town which contains five hundred freemen—presenting in a government of the people, professedly republican, and based on the principle of equal representation, this *strange anomaly*, a single, though numerous assembly of men, claiming and exercising sole and supreme legislative authority—a majority of which is elected by about *one fourth part* of the freemen of the state.

Although we consider this inequality of representation inconsistent with sound policy, and contravening the sound republican maxim, that population and representation ought to be equal; and also, as depriving the people of that equality in representation which the spirit and genius of our government were designed to secure; still such is the force of long-established habit of town representation, and so interwoven, by usage, is that mode with the management of our state affairs, as it may bear upon our political institutions, we consider any attempt to remedy the evil, by changing the mode to the ratio of population, as of doubtful success: but, without admitting that the usage has grown into a *right*, we have thought it more expedient, under existing circumstances, to provide a partial remedy, than attempt a radical change.

With these views, we propose, as a safeguard against hasty and improvident legislation, and to remedy, in some degree, the inequality of representation in the most numerous branch of the legislature, a *Senate* as a substitute for the present Council. The Senate to consist of thirty members, to be apportioned to the several counties, as near as may be, in the ratio of population—providing, however, that each county shall have, at least, one Senator.

In proposing a Senate to be constituted as a co-ordinate branch of the legislature, our purpose is, to create *a power* as a counterpoise to the popular branch, and thereby to give a greater stability to the Legislative department. We are not particular, in any wise, by what name this co-ordinate branch shall be designated—it may be Senate or Council, so it be vested with efficient authority.

The division of the legislature into two separate and distinct branches, with parity of powers, sitting and acting separately, is, we believe, founded on principles of good policy, and sustained and sanctioned by universal experience. By such a division of legislative authority, a guard is interposed against the evil effects and dangers consequent upon the hasty and premature adoption of measures springing, as they sometimes do, from passion, party influence, party intrigue, or local interests, which are often bro't to bear with great force, and exert a powerful and dangerous sway in a single assembly.

It is obvious that measures originating under such circumstances, or under *any* circumstances, in a single numerous assembly, are not as likely to be carried through to final consummation, and assume the character and solemnity of laws, when they are to be subjected to the revision and scrutiny of another body, acting separately, more deliberative, without prejudice or undue influence, by whose authority such measures may be arrested in their progress, and whereby the evils of a hasty and premature exercise of power in the other branch may be avoided.

In a Senate are presumed to be found deliberation, wisdom and stability, as the peculiar properties of its constitution and character. Although in the proposition which we offer, for substituting a Senate for the Executive Council, the Senators are to be elected annually, still we believe, that from their deliberative character, numbers, age and experience, they will possess and exercise by way of check and counterpoise to the other branch, an influence and control, in all matters of legislation, both safe and salutary.

That legislation has been fluctuating, hasty and improvident, and unnecessarily multiplied, will be apparent to any one who will look into the statutes; else, why so many *additional, amendatory, explanatory* and *repealing* acts, in continual succession, with which our statutes abound, if those acts had been providently and deliberately passed? The subject matter has not so often changed. This will appear by reference to one fruitful source of legis-

lative enactments—that in regard to the judiciary department.—So essential are stability and uniformity in the administration of civil justice, in that department, that legislative enactments in relation thereto ought to be few, and those clear and unambiguous.—It is through this department that the government is brought home to the people, and made to bear upon them individually, more than any other: but if the laws "regulating judicial proceedings" are fluctuating, there is great danger that those proceedings themselves will be fluctuating, and the rights of citizens rendered insecure. Yet it is believed that nothing is hazarded, by saying that twice as many acts have been passed in relation to that subject, in any given period, as there have years passed in the same period.

We might refer to several other subjects about which legislation has, we think, been unceasingly multiplied—such are the jurisdiction of justices of the peace, settlement of estates, and common schools.

We are unable to assign any other reason for this accumulation of legislative enactments, than a precipitate and improvident exercise of legislative authority, without due deliberation and reflection in the application of remedies to the evils intended to be remedied.

The collisions which have of late arisen between the Executive Council and General Assembly, we consider of serious import, and call for remedial interference; as they are, from the present aspect of things, likely to continue so long as the present organization continues. And it is for the people alone to find and apply the remedy.

In 1326, the Council passed a resolution that the House of Representatives had no authority to pass a bill into a law, without the concurrence of the Council; and their doing so was an infringement upon the constitutional powers and prerogatives of the Council. On copies of these resolutions being sent to the House they in turn resolved that they *did* possess the constitutional power to pass a bill into a law without the concurrence of the Council, which had originated in the House, and been suspended by

the Council. Thus the issue was formed, without an arbiter to decide it, except the parties themselves. The issue was on the side of numbers—the House claimed it, and acted accordingly. The decision, as it now stands, is this: That no legislative authority whatever, express or implied, is granted by the constitution, to the Executive Council. Whether this decision be right or wrong, the effect is the same—to reduce the Council to an inefficient, powerless body, They may give their advice, or propose amendments to be adopted or rejected at the will of the General Assembly.

Under the present organization, no reasons of state policy occur to us for the longer continuing of that body, thus shorn of its authority, as an appendage, next to useless, of the General Assembly, subject to its will and under its control in all matters of legislation.

We can hardly refrain from the expression of the opinion, that the Executive Council do not now hold and exercise that balancing power in legislation, which the framers of the constitution designed to grant to them in that instrument. No improper motive, however, is intended to be imputed to the House of Representatives: if the power constitutionally belongs exclusively to them, it is their right and duty to assume and exercise it: they act no otherwise than single assemblies usually do: tenacious of power and prerogative, they will not readily surrender them on doubtful constructions.

But, fellow-citizens, much as these collisions and interruptions in the important business of legislation are to be regretted, still we must take the case as it is, and endeavour to provide remedies for the evils as they are found to exist. The remedy we propose is the substitution of a Senate for the present Council, with competent authority to interpose effectual checks to the undue and hasty exercise of legislative power by the other branch.

Plans of government are sometimes proposed as matters of experiment. The one which we now offer for your adoption, we believe a safe one. and comes strongly recommended by that oracle of wisdom, *universal experience*.

It is a common remark, that we have done well under our present constitution : this may be true, and still it would be wise and prudent to set guards for the future security and permanency of our prosperity, tranquility and happiness. If we, as a people, have been prosperous and happy under our present form of government, other causes than that form are assignable. That our vallies have yielded abundant crops, and our flocks and herds have fattened upon our hills, furnish no good reason why defects in our frame of government should not be amended.

If the character of our population be such at present as may furnish some security against the abuses which may grow out of defects in our form of government, we cannot promise ourselves that such a state of things will continue. We cannot foresee what changes may be bro't about by the various events to which all affairs, depending on human agency, are liable—by the course of migration, the influx of foreigners, the multiplication of corporations, the investment of large capital, in banking, manufacturing, and other establishments ; and which will bring, in their train, a variety, and perhaps, conflicting interests. The time may come when constitutional power may be eagerly sought for, to be exercised for party or sinister purposes.

Our relation to the Union, as an integral part, might furnish motives for assimilating our form of government to that of the other members.

We are fully sensible that long established forms of government ought not to be changed for slight and transient causes:—still, when defects in those forms become palpable, it is a dictate of wisdom and prudence to remedy them ; and we believe the present a very favorable time.

The enquiry may well be made, whether the proposed amendments would have the effect, if adopted, to change a long established form of government : for, as before remarked, such was the practical construction of the constitution, that the Council did exercise parity of powers in legislation, and bills often originated in that House ; and it was not until within the last few years that this power was denied them by the other House ; and it is within

the same period that the House of Representatives have assumed, and claim to possess and exercise exclusive legislative authority: the form is therefore of recent origin; and should it long succeed, it will have no precedent.

Most of the state constitutions, which were formed immediately after the revolution, made provision for dividing the legislature into two distinct and separate branches, with co-ordinate powers. To this there were some exceptions. Pennsylvania and Georgia were within the exception. They commenced self-government, by placing legislative authority in a single assembly. They however, soon discovered their error, and have subsequently changed their form, by providing for a Senate, with co-ordinate powers.

Some of the states, immediately subsequent to the revolution, continued on the plan of their colonial charters, which by the changes effected by that event, threw the legislative power into the hands of a single assembly. In these cases, reliance seemed, for a considerable time, to be placed on the *character* and *habits* of the people, to supply or remedy the defects in their form of government. Time and experience have, however, convinced them of the error, and more recently they have new-moddled their form of government, by providing for a Senate, with co-ordinate powers.

We admire and approve the constitution of the United States, as containing provisions calculated to secure and perpetuate our rights and liberties, personal, civil, and political; and this has stood the test of peace, of war, of party strife, and of sectional dissention.

The same provisions are found in the constitutions of our sister states, and meet with like approbation.

It is believed that Vermont is the only state in which the legislature is not divided into two co-ordinate branches.

The people of Vermont are not behind their neighbors in the science of self-government, and it would seem that they are in advance, in that particular, of the government itself as indicated by its form,

We consider a Senate, constituted as proposed, as possessing many advantages over the Council as at present elected and organized, even if it were clothed with requisite authority.

The Council, twelve in number, are elected by general ticket, and, as custom has established, one in each county, up to that number. The electors will have little or no knowledge of the person or qualifications of the candidate, except perhaps the one in their own county: whereas, the Senators, in the manner proposed are elected by counties, and by the freemen of their respective counties: the electors will generally be acquainted with the candidates and their quallifications. And from their numbers, their deliberative character, separate action, and entire independence of the other branch, will possess a more controlling influence, and ensure a more steady and consistent direction in the exercise of legislative authority.

In designating the number of Senators, we have acted on the principle of applying an *adequate* remedy to the evil designed to be remdieed: the number is large in proportion to our population, but not large in proportion to the other branch. The House of Representatives is more numerous in comparison to our population, than in most of our sister states.

The Senate ought, in point of members, to be apportioned to the other branch, in that respect, to which it is designed to be placed as a balancing power.

By reference to the constitutions of the other states, it is found that there is some diversity in the appointment of the Senate, as to numbers, to the popular branch; and probably the average result will allow to the Senate, in the *ratio* of numbers to the other branch, about one to five. In the plan we propose, the number of Senators is less in proportion to the other branch—being about one to eight. We think the number not too large. In allotting the Senators to the several counties, we assume as a basis one Senator to every 10,000 inhabitants, on the census of 1830, having regard to the greatest fraction. This principle carried out, produces the result as proposed.

The provisions made in the constitution for its own amendment, are found in the 43d article. The repeated unsuccessful attempts which have been made to effect some amendments of acknowledged necessity, prove that these provisions have not answered the beneficial purpose for which they were designed. For these repeated failures, we can assign no other reason, than that the subject has not been properly presented to the people. Believing that all political power belongs to, and is derived from, the people; and that it is their peculiar province to form plans of government, and to alter and amend the same, as they may think proper.

In order to bring the subject directly before the people, we propose so to alter the said 43d article. as to provide, that the Council of Censors shall, hereafter, when they propose amendments or alterations of the constitution, submit the same directly to the freemen of the state, assembled in their respective towns, to be adopted or rejected by them as a majority shall decide. This mode appears to us to possess many advantages over the mode heretofore pursued, of submitting such proposals to a convention, as it gives every freeman the privilege of exercising his inherent right directly upon the subject matter proposed, without the necessity of delegating that right to another for him. It will also express the *will*, and ensure the *action* of the *whole* people, without regard to corporations. It will, moreover, save the trouble and expense of electing and paying a numerous convention, for the purpose of doing that which the freemen are fully competent to do for themselves.

The present mode of appointing county officers, by the legislature, we consider objectionable, and that a different mode ought to be adopted. Besides the time spent in making those appointments, which ought to be devoted to the more appropriate subjects of legislation, there are other evils incident to *the present mode*, quite notorious. *The great number of candidates presented for those offices, each accompanied by his*

friends, to advocate his "claims," the contests which generally and almost necessarily grow out of these conflicting claims of rival candidates, are calculated to lead to the use of improper, not to say corrupt, means in the attainment of the object.

We also consider that the freemen of the respective counties are fully competent to the election of county officers: they will have the advantage of an acquaintance with the candidates and their qualifications, and will be more likely to make such selection as will be acceptable to the people. We propose, therefore, so to alter the constitution, that the Judges of Probate shall be elected by the freemen in the several probate districts. That Sheriffs, High Bailiffs, and State's Attorneys, be elected by the freemen of the several counties; and Justices of Peace, by the freemen in the several towns.

In proposing this mode, we have kept in view, that, as in republican governments, all power resides in the people, so all elections to office ought to be kept as near the people, and as much within their control, as convenience will permit: that the candidate for office ought to be elected by those whose officer he is, when elected. What is here said, applies to all county officers, except Justices of Peace. In proposing that Justices of Peace should be elected by the freemen in the several towns, though county officers, still as their official duties are mostly exercised within their own towns, it is considered that the persons elected would be more likely to be acceptable to the people. But chiefly our purpose is to lessen the number: we propose to limit it to ten in each town, which it is believed will be amply sufficient for the convenience of any town. Owing to some cause, which perhaps may be found in connexion with town elections of representatives the number of Justices appointed, especially in some towns, is greater than the public good, regard to the fitness for office, the respectability of the magistracy, or the furtherance of justice do, or can require.

Our proposals, in regard to the election of county officers, are presented in distinct sections, so that one or more may be adopted or rejected, without prejudice to the other.

In varying the common tenure of office in case of Sheriff, to three years, we believe it will lead to greater caution and circumspection in regard to qualification and responsibility in the selection of a candidate to fill the office. And by rendering the incumbent ineligible for the next succeeding three years, will prove a salutary provision, as it will require the Sheriff to close up his official business within short periods. The office is one of difficulty and hazard: and in cases where the Sheriff has held the office for many successive years, without frequent settlements of his official concerns, the Sheriff and his bondsmen have been involved in difficulty and ruin. The Sheriff ought to know, and his bondsmen and others concerned have a right to know, at short periods, the condition of the department.

We have proposed adding an entire section to the constitution, for the protection of every person against all restraints of personal liberty, without the authority of law, by providing that the writ of *habeas corpus* shall be a writ issuable of right, and shall in no case be suspended; and although the legislature, by enactment, have made liberal provision for its use, yet we consider, from its importance to the liberty of the citizens, it ought to be made to rest on a more immutable foundation than legislative enactment. As a charter of liberty, it is worthy a place in the constitution.

In regard to the *manner* of calling a Convention, the members of this Council have entertained some diversity of opinion. We are not able to assign any other reason for the repeated failures in the adoption of amendments which have been proposed by the Council of Censors at nearly every septennary since the adoption of the constitution in 1793, than the mode of electing delegates, not by the people, but by corporations. And as the *manner* is left to our direction, a portion of us consider that the mode ought to be so changed that the delegates shall be elected from the different sections of the state in the *ratio* of population, as being more equal, and in accordance with the spirit and genius of our republican form of government. On the other hand, a portion of us, admitting the correctness of the principle as more equitable, and in conformity to the spirit and genius of the government, but object to its adoption on the ground of expediency. The authority

of precedent is urged, and the inexpediency of departing from long established usage.

But so strongly impressed are we, with the importance of some amendments to our present form of government, and believing that the same sentiment is entertained by a great majority of the people, and anxious to bring the proposed amendments within their reach, for their constitutional action thereon, something of individual opinion as to the mode, has been conceded, and the mode pointed out in the ordinance, is the result of compromise, with a view to the advancement of the public good.

Having closed our deliberations on the various subjects assigned us by the constitution as a Council of Censors, we now present to you, fellow-citizens, the result of our deliberations, in the confident hope of your approval and adoption.

In the discharge of our duties, we have faithfully and diligently examined into the constitution and its various provisions as a frame of government, and have pointed out to you wherein we consider it essentially defective; and have also pointed out the remedies proper to be applied; and by the application of which, we believe, legislative authority will be exercised with more safety, steadiness and harmony, the rights of the people better secured, and their prosperity and happiness better preserved.

By order of the Council of Censors.

JOEL DOOLITTLE, *President.*

WILLIAM HEBARD, *Secretary.*

On motion of Mr. *Foote*, the Articles of the proposed amendments, alterations and additions to the Constitution of the State of Vermont, as proposed by the Council of Censors, were laid on the table.

The Convention adjourned.

THURSDAY, JAN. 7TH, 9 O'CLOCK, A. M.

The Convention met pursuant to adjournment, and the journal of yesterday was read.

Prayer by the Rev. Chester Wright.

The President then announced the following appointments as officers of the Convention, viz :

ISAAC RIKER, *Door Keeper*,
JOHN STARKWEATHER and ASA LOCK, } *Officers of the Convention.*

On motion, Mr. *Collamer*, of Royalton, introduced the following resolution :

Resolved—That the 7th, 8th, 9th, 10th, and 11th Articles of the amendments, alterations and additions to the Constitution of this State, proposed by the Council of Censors, and now under consideration, be adopted, and become a part of the Constitution of the State of Vermont.

Which was read, and, on motion of Mr. *Cahoon*, of Lyndon, was referred to a committee to consist of the whole of the Convention.

On motion, Mr. *Cahoon* introduced the following resolution, viz :

Resolved—That this Convention now go into committee of the whole on the resolution introduced by Mr. Collamer, and by this Convention referred to a committee of the whole.

Which was read and adopted, and the Convention then went into committee of the whole, Mr. WHITE, of Putney in the chair.

Committee of the whole rose, reported progress, and had leave to sit again, at 2 o'clock, P. M.

The committee appointed to draft and report Rules for the regulation and government of the Convention, made the following Report, viz :

The committee appointed to draft Rules for the government of this Convention, beg leave to report the following, viz :

Rule 1*st.* The Convention shall meet every day, (Sundays excepted) at 9 o'clock, A. M. and at 2 o'clock, P.M. unless otherwise specially ordered.

Rule 2d. The President shall take the chair at the hour to which the Convention is adjourned, and when a quorum is formed, shall call to order, and proceed to business, by directing the journal of the preceding day to be read.

Rule 3*d.* The President shall preserve order, and in preference of any other member may speak on questions of order, and shall decide all questions of order, subject to an appeal to the Convention.

Rule 4*th.* The President, in case of disturbance in the gallery or lobby, may cause the same to be cleared.

Rule 5*th.* No member shall absent himself from the Convention, except in case of indisposition, without leave of absence.

Rule 6*th.* The President shall nominate all committees, subject to the control of the convention.

Rule 7*th.* No member in the minority on any vote, can move a reconsideration thereof.

Rule 8*th.* The yeas and nays on any question, shall be taken, when demanded by a member before the vote is declared, and every member present shall vote, unless excused by the convention, or unless such member was absent when the question on which the vote is called, was stated.

Rule 9*th.* No person shall be admitted to a seat on the floor of the convention, unless introduced by a member, except judges of courts, marshal, members of congress, secretary of state, treasurer, clergy, and the late members of the council of censors.

Rule 10*th.* The President shall apply to the Sheriff of Washington county, for such officers to attend upon the convention as he shall think necessary, and shall appoint a door keeper.

Rule 11*th.* A motion to adjourn shall always be in order, and no member shall leave his seat, until a vote of adjournment is decided by the President.

Rule 12*th.* If any member transgress the Rules of the convention, the President, or any member, may call to order; and the member so called to order shall immediately sit down, or appeal to the convention: which appeal shall be decided without debate. And no member shall speak more than twice on the same question, without permission from the convention.

S. FOOT, *for Committee,*

Which report being read, was adopted by the convention, and the foregoing Rules adopted as the Rules for the government of the convention.

The convention adjourned.

THURSDAY, JAN. 7TH, 2 O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion, Mr. *Aikin,* of Windsor, introduced the following resolution, viz:

Resolved—That a committee to consist of three members of the convention, be appointed, to be denominated a *Committee of Elections.*

Which was read and adopted.

Messrs. Aikin, Meach and Jenness were appointed.

On motion of Mr. *Dillingham,* the convention went into committee of the whole, on Mr. Collamer's resolution—Mr. WHITE, of Putney, in the chair.

Committee rose reported progress and had leave to sit again tomorrow morning, at 9 o'clock.

On motion, Mr. *Hunt*, of St. Albans, introduced the following resolution, viz :

Resolved--That the credentials of all the members of the convention be referred to the committee of Elections, with directions to report such as are informally or improperly made.

The convention adjourned.

FRIDAY, JAN. 8TH, A. D. 1836, 9 O'CLOCK, A. M.

The convention met pursuant to adjournment, and the journal of yesterday was read.

Prayer by the Rev. Chester Wright.

On motion of Mr. *Meach*, of Shelburn, the convention went into committee of the whole, on Mr. Collamer's resolution—Mr. WHITE, of Putney, in the chair.

The committee rose, reported progress, and, on motion of Mr. *Hunt*, of St. Albans, had leave to sit again at 2 o'clock, P. M.

The convention adjourned.

FRIDAY, JAN. 8TH, 2 O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. *Stowell*, of Cambridge, the convention went into committee of the whole, on Mr. Collamer's resolution—Mr. WHITE, of Putney, in the chair.

Committee rose, reported progress, and, on motion of Mr. *Stowell*, had leave to sit again, at 9 o'clock tomorrow morning.

The convention adjourned.

SATURDAY, JAN. 9TH, 1836, 9 O'CLOCK, A. M.

The convention met pursuant to adjournment, and the journal of yesterday was read.

Prayer by Rev. Chester Wright.

On motion, Mr. *Hunt*, of St. Albans, introduced the following resolution, viz :

Resolved—That the Roll of the convention be called at the opening of the convention this afternoon, for the purpose of taking the milage of the members ; and that a committee consisting of one member from each county, be appointed, to make up the debenture of the convention.

Which was read and adopted.

On motion of Mr. *Brownell*, of Williston, the convention went into committee of the whole on Mr. Collamer's resolution—Mr. MEACH, of Shelburn, in the chair.

Committee rose, reported progress, and, on motion of Mr. *Hale*, of Brandon, the committee had leave to sit again at 2 o'clock, P. M.

The convention adjourned.

SATURDAY, JAN. 9, 2, O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. *Hale*, of Brandon, the convention went into committee of the whole, on Mr. Collamer's resolution—Mr. MEACH, of Shelburn, in the chair.

The committee rose, and reported that the resolution introduced by Mr. Collamer, ought to pass.

Which report was accepted by the convention, and the resolution was laid on the table.

Mr. *Hill*, of Isle La Motte, called up the resolution introduced by Mr. Collamer, and moved that the resolution be adopted by the convention, and that the 7th, 8th, 9th, 10th, and 11th Articles of the amendments, alterations and additions, proposed by the council of censors on the 15th day of January, 1835. be adopted, and become a part of the Constitution of the State of Vermont.

Mr. Collamer demanded the yeas and nays.

On the question, Shall the resolution pass? the yeas and nays were as follows :

Those who voted in the affirmative, were,

Messrs.

Adams
Aiken
Alden
Ambler
Armstrong
Austin
Bartlett
Beeman of Fairfax
Beeman of Poultney
Bockwith
Blodget
Boynton
Bottom of Shaftsbury
Bottom of N. Haven
Brownell,
Bush
Bushnell
Butler
Carpenter of Orange
Carter
Cahoon
Church of Hancock
Charlton
Chandler
Chittenden
Chipman
Child
Clark
Cooley
Cobb
Collamer
Dana
Dewey
Demming
Dillingham
Eager
Field of Westminster
Fitch
Flagg
Flanders
Fletcher
Faller of Hardwick
Foot
Galusha
Goddings
Griswold
Hale
Hall of Wallingford
Harmon
Hamilton
Haynes
Hewett
Hinman of Derby
Hill
Hollister
Hunt
Jewett
Janes

Killam
Kimpton
Kittridge
Knapp of Berlin
Knight
Ladd
Lawrence
Leavens of Berkshire
Langshore
Lockwood
Mattocks
Mason of Sheldon
Marsh
Mansfield
McDaniels
Meach
Morgan
Morrill of Strafford
Merrill
Noble
Onion
Paddock
Palmer of Danville
Palmer of Plainfield
Perry
Pomeroy
Prichard
Reynolds
Richmond
Sargeant
Scott
Sherman
Shedd
Shafter
Sleeper
Soper
Soule
Smith of Chelsea
Smith of Monkton
Smith of Northfield
Starks
Stanley
Stowell
Stewart
Sumner
Swift
Thomas
Tracy
Vanderspeigle
Vail
Watkins
Wells
White
Wheeler of Wardsboro'
Wright of Norwich
Wright of Shoreham
Yale

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Those who voted in the negative, were,

Messrs
Albee
Barrows
Balch
Bailey of Brighton
Bailey of Fairlee
Ball
Belding
Bean
Blake
Bruce of Chester
Bruce of Woodbury
Bradley
Carlisle
Carpenter of Mont[illegible]
Chaffee of Belvidere
Chaffee of Rochester

Church of Kirby
Chamberlain
Chase
Clement
Cole
Cushman
Dee
Dickerman
Drew
Emery
Field of Guilford
Field of [illegible]
Fish
Fisher
Flint
Fuller of Troy
Fullerton
Foster
Fry
Gay
Gardner
Gilman
Gibson
Gleason
Goodale,
Hall of Dover
Hatch
Harriss
Hewes
Hendee
Hinman of Holland
Hix
Hitchcock
Howe
Holt
Huntington
Husted
Hyde
Jackman
Jaquess
Johnson
Jones
Kellon
Kidder
Scholl
Scofield
Sears of Morristown
Sears of Richford
Shearer
Slater
Smith of Ludlow
[illegible] of Bloomfield
[illegible] of Newbury
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Stockbord
Tabor
Taggard
Taylor
Thatcher
Thompson
Townsend
Vilas
Walker
Wales
Wallace
Whitney
Wheeler of Calais
Wheelock of Eden
Wiley
Leavens of Morgan
Leonard
Luce
May
Knapp of Woodford
Knapp of Searsburgh
Mather
Mason of Ira
Miller of Lowell
Miller of Westfield
Millard
Moore of Newport
Moore of Rupert
Morrill of Ryegate
Morse
Newcomb

Niles	*Rounds*
Pike	*Rowell*
Pineo	*Sawyer*
Rice	*Sartwell*
Robinson	113

So the resolution was passed, and the 7th, 8th, 9th, 10th and 11th Articles of the proposed amendments, alterations and additions to the Constitution, as proposed by the Council of Censors on the 15th day of January, A. D. 1835, were adopted, and become a part of the Constitution of the State of Vermont, viz:

ARTICLE 7TH. The Supreme Legislative power of this State shall hereafter be exercised by a Senate and the House of Representatives; which shall be styled, "The General Assembly of the State of Vermont."—Each shall have and exercise the like powers in all acts of Legislation; and no bill, resolution, or other thing, which shall have been passed by the one, shall have the effect of, or be declared to be, a law, without the concurrence of the other,

Provided, That all Revenue bills shall originate in the House of Representatives,—but the Senate may propose or concur with with amendments, as on other bills. Neither House during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting,—and in case of disagreement between the two Houses, with respect to adjournment, the Governor may adjourn them to such time as he shall think proper.

ARTICLE 8TH. The Senate shall be composed of thirty Senators, to be of the freemen of the County for which they are elected, respectively, who are thirty years of age or upwards, and to be annually elected by the freemen of each County respectively.

Each County shall be entitled to one Senator, at least, and the remainder of the Senators shall be apportioned to the several Counties according to their population, as the same was ascertained by the last Census, taken under the authority of the United States—regard being always had, in such apportionment, to the Counties having the greatest fraction.—But the several Counties shall, until after the next Census of the United States, be entitled to elect, and have their Senators, in the following proportion, to wit:

Bennington county, two; Windham county, three; Rutland county, three; Windsor county, four; Addison county, three; Orange county, three; Washington county, two; Chittenden county, two; Caledonia county, two; Franklin county, three; Orleans county, one; Essex county, one; Grand Isle county, one.

The Legislature shall make a new apportionment of the Senators, to the several Counties, after the taking of each Census of the United States, or Census taken, for the purpose of such apportionment, by order of the Government of this State—always regarding the above provisions in this article.

Article 9th. The freemen of the several towns in each County shall annually, give their votes for the Senators, apportioned to such County, at the same time, and under the same regulations, as are now provided for the election of Councillors.—And the person or persons, equal in number to the number of Senators apportioned to such County, having the greatest number of legal votes in such County respectively, shall be the Senator or Senators of such County.—At every election of Senators, after the votes shall have been taken, the Constable or presiding officer, assisted by the Selectmen and civil authority present, shall sort and count the said votes, and make two lists of the names of each person, with the number of votes given for each annexed to his name, a record of which shall be made in the Town Clerk's office, and shall seal up said lists, separately, and write on each the name

of the town, and these words, "Votes for Senator," or "Votes for Senators," as the case may be, one of which lists shall be delivered, by the presiding officer, to the Representative of said town, (if any) and if none be chosen, to the Representative of an adjoining town, to be transmitted to the President of the Senate;—the other list, the said presiding officer, shall within ten days, deliver to the Clerk of the County Court, for the same County,—and the Clerk of each County Court, respectively, or in case of his absence, or disability, the Sheriff of such County, or in case of the absence or disability of both, the High Bailiff of such County, on the tenth day after such election, shall publicly open, sort, and count said votes;—and make a record of the same in the office of the Clerk of the County Court, a copy of which he shall transmit to the Senate:—and shall also, within ten days thereafter, transmit to the person or persons elected, a certificate of his or their election.

Provided, However, that the General Assembly shall have power to regulate by Law the mode of balloting for Senators, within the several Counties, and to prescribe the means, and the manner by which the result of the balloting shall be ascertained, and through which the Senators chosen shall be certified of their election, and for filling all vacancies in the Senate, which shall happen by death, resignation, or otherwise. But they shall not have power to apportion the Senators to the several Counties, otherwise than according to the population thereof, agreeably to the provisions herein before ordained.

Article 10th. The Senate shall have the like powers to decide on the election and qualifications of, and to expel any of its members, make its own rules, and appoint its own officers, as are incident to, or are possessed by, the House of Representatives.—A majority shall constitute a quorum. The Lieut. Governor shall be President of the Senate, except when he shall exercise the office of Governor, or when his office shall be vacant, or in his absence; in which cases the Senate shall appoint one of its own

members to be President of the Senate, *pro tempore*. And the President of the Senate shall have a casting vote, but no other.

ARTICLE 11TH. The Senate shall have the sole power of trying and deciding upon all impeachments—when sitting for that purpose, they shall be on oath, or affirmation, and no person shall be convicted, without the concurrence of two thirds of the members present. Judgment in cases of impeachment, shall not extend farther than to removal from office—and disqualification to hold or enjoy any office of honor, or profit, or trust, under this State. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

The convention adjourned.

MONDAY, JAN. 11TH, A. D. 1836, 9 O'CLOCK, A. M.

The convention met pursuant to adjournment, and the journal of yesterday was read.

Prayer by Rev. Chester Wright.

On motion, Mr. *Mattocks*, of Peacham, introduced the following resolution, viz:

Resolved—That it is inexpedient for this convention to adopt the 19th Article of the amendments, alterations and additions to the Constitution of this State, proposed by the Council of Censors, and now under consideration.

Which was read, and on motion of Mr. *Fitch*, of Thetford, laid on the table.

Mr. *Fitch*, of Thetford, then moved the reconsideration of the vote taken on Mr. Collamer's resolution on Saturday last, adopting the 7th, 8th, 9th 10th and 11th Articles of the proposed amendments of the Constitution of this State.

Mr. *Cahoon*, of Lyndon, moved to lay this motion on the table; which motion was decided in the negative.

Mr. *Vilas*, of Johnson, demanded the yeas and nays on Mr. Fitch's motion to reconsider the vote taken on Saturday last, on Mr. Collamer's resolution.

On the question, Will the convention reconsider the vote taken on Saturday last?

The following gentlemen voted in the affirmative, viz:

Messrs.

Albee
Barrows
Balch
Bailey of Fairlee
Ball
Belding
Bean
Blake
Bruce of Woodbury
Bradley
Carpenter of Moretown
Chaffee of Belvidere
Chaffee of Rochester
Chamberlin
Chase
Clemant
Cole
Cushman
Dee
Dickerman
Drew
Emery
Field of Guilford
Field of Wilmington
Fitch
Fisher
Fuller of Troy
Fullerton
Foster
Fry
Gay
Gilman
Gibson
Gleason
Goodale
Hall of Dover
Hatch
Harris
Haynes
Heaton
Hendee
Hinman of Holland
Hix
Hitchcock
Howe
Holt
Huntington
Hyde
Jackman
Jenness

Johnson
Kelton
Kidder
Knapp of Woodford
Knapp of Searsburgh
Leavens of Morgan
Leonard
Langshore
Luce
May
Mason of Ira
Mason of Sheldon
Miller of Lowell
Miller of Westfield
Millard
Moore of Newport
Moore of Rupert
Morrill of Ryegate
Morse
Newcomb
Niles
Palmer of Danville
Palmer of Plainfield
Pike
Pineo
Rice
Robinson
Rounds
Rowell
Sawyer
Sartwell
Schoff
Scofield
Sears of Morristown
Sears of Richford
Shearer
Slater
Sleeper
Smith of Ludlow
Stevens of Bloomfield
Stevens of Newbury
Stickney
Stebbins
Stone
Stowe,
Stoddard
Tabor
Taggard
Taylor
Thatcher
Thompson
Townsend
Vilas
Walker
Watkins
Wallace
Wheeler of Calais
Wheelock of Eden
Wiley
Wooster—110

The following gentlemen voted in the negative:

Messrs.

Adams
Aiken
Alden
Ambler
Armstrong
Austin
Bailey of Brighton
Bartlett
Beeman of Fairfax
Beeman of Poultney
Beckwith
Blodget
Boynton
Bottom of Shaftsbury
Bottom of N. Haven
Bruce of Chester
Brownell,
Bush

Bushnell
Butler
Carlisle
Carpenter of Orange
Carter
Cahoon
Church of Hancock
Church of Kirby
Charlton
Chandler
Chittenden
Chipman
Child
Clark
Cooley
Cobb
Collamer
Dana
Demming
Dillingham
Eager
Field of Westminster
Fisk
Flagg
Flint
Flanders
Fletcher
Fuller of Hardwick
Foot
French
Gardner
Galusha
Goddings
Griswold
Hale
Hall of Wallingford
Harmon
Hamilton
Hewett
Hinman of Derby
Hill
Hollister
Hunt
Husted
Jewett
Janes
Jones
Killam
Kimpton
Kittridge
Knapp of Berlin
Knight
Ladd
Lawrence
Leavens of Berkshire
Lockwood
Mattocks
Mather
Marsh
Mansfield
McDaniels
Meach
Morgan
Morrill of Strafford
Merrill
Noble
Onion
Paddock
Perry
Pomeroy
Prichard
Reynolds
Richmond
Sargeant
Scott
Sherman
Shedd
Shafter
Soper
Soule
Smith of Chelsea
Smith of Monkton
Smith of Northfield
Starks
Stanley
Stowell
Stewart
Sumner

Swift	*Whitney*
Thomas	*Wheelock of Wardsboro'*
Tracy	*Wright of Norwich*
Vanderspeigle	*Wright of Shoreham*
Vail	*Yale*
Wales	
Wells	
White	119

So the convention refused to reconsider the vote taken on Saturday last, on Mr. Collamer's resolution adopting the 7th, 8th, 9th, 10th and 11th Articles of the proposed amendments to the Constitution of this State.

The convention adjourned.

MONDAY, JAN. 11TH, 1836, 2 O'CLOCK, P. M.

Convention met in pursuance of the adjournment.

On motion, Mr. *Vilas*, of Johnson, introduced the following resolution, viz :

Resolved—That it is inexpedient for this convention to adopt the 1st, 2d, 3d, 4th and 5th Articles of amendments to the Constitution of this State, which were proposed by the Hon. Council of Censors in January last.

Which was read, and, on motion of Mr. *Vilas*, laid on the table.

Mr. *Mattocks*, called up the resolution introduced by him this morning, and laid on the table.

On the question, Shall the resolution be adopted, and the 19th Article of the proposed amendments, alterations and additions to the Constitution, be rejected ?

Mr. *Albee*, of Rockingham, demanded the yeas and nays.

On the yeas and nays being taken, the following gentlemen voted in the affirmative, viz:

Messrs.

Adams
Aiken
Alden
Albee
Ambler
Armstrong
Austin
Barrows
Balch
Bailey of Brighton
Ball
Bartlett
Beeman of Poultney
Belding
Beckwith
Bean
Blake
Bottom of Shaftsbury
Bottom of N. Haven
Bruce of Chester
Bruce of Woodbury
Bradley
Bush
Butler
Carlisle
Carpenter of Morestown
Carter
Cahoon
Chaffee of Belvidere
Chaffee of Rochester
Church of Hancock
Church of Kirby
Charlton
Chamberlain
Chase
Child
Clement
Cooley
Cobb
Cole
Collamer
Dana
Demming
Dillingham
Dickerman
Drew
Emery
Field of Guilford
Field of Westminster
Field of Wilmington
Fitch
Fisk
Fisher
Flagg
Flint
Flanders
Fletcher
Fuller of Hardwick
Fuller of Troy
Foot
Foster
French
Fry
Gay
Gardner
Galusha
Goddings
Gilman
Gibson
Gleason
Goodale,
Griswold
Hale
Hall of Dover
Hatch
Harriss
Hamilton
Haynes
Hewett

Hewes
Hinman of Derby
Hinman of Holland
Hill
Hix
Hitchcock
Howe
Holt
Hunt
Huntington
Husted
Jewett
Johnson
Janes
Jones
Kelton
Killam
Kidder
Kimpton
Kittridge
Knapp of Berlin
Knapp of Searsburgh
Knight
Ladd
Leavens of Morgan
Leavens of Berkshire
Langshore
Lockwood
Luce
May
Mattocks
Mather
Mason of Ira
Mansfield
Meach
Miller of Lowell
Miller of Westfield
Millard
Moore of Newport
Moore of Rupert
Morrill of Ryegate
Morrill of Strafford
Morse
Merrill
Newcomb
Niles
Noble
Onion
Paddock
Palmer of Plainfield
Pike
Perry
Pineo
Pomeroy
Prichard
Reynolds
Rice
Richmond
Robinson
Rowell

Sartwell
Sargeant
Schoff
Scott
Scofield
Sears of Morristown
Sears of Richford
Shearer
Sherman
Shedd
Shafter
Slater
Sleeper
Soule
Smith of Chelsea
Smith of Ludlow
Smith of Monkton
Smith of Northfield
Stevens of Bloomfield
Starks
Stickney
Stebbins
Stanley
Stone
Stowell
Stewart
Stoddard

Sumner	*Watkins*
Swift	*Wallace*
Tabor	*Wells*
Taggard	*Whitney*
Taylor	*Wheeler of Calais*
Thomas	*Wheelock of Wardsboro'*
Thatcher	
Thompson	*Wheelock of Eden*
Townsend	*Wiley*
Vanderspeigle	*Wooster*
Vail	*Wright of Norwich*
Vilas	*Wright of Shoreham*
Walker	*Yale*
Wales	193

The following gentlemen voted in the negative :

Bailey of Fairlee	*Hyde*
Beeman of Fairfax	*Jackman*
Blodget	*Jenness*
Brownell,	*Knapp of Woodford*
Carpenter of Orange	*Lawrence*
Chittenden	*Mason of Sheldon*
Chipman	*Marsh*
Clark	*McDaniels*
Dee	*Morgan*
Eager	*Palmer of Danville*
Hall of Wallingford	*Rounds*
Harmon	*Soper*
Hendee	*Stevens of Newbury*
Hollister	*White*—27

So the resolution was adopted, and the 19th Article of the proposed amendments, alterations and additions to the Constitution of this State, as proposed by the Council of Censors, was rejected by the convention, viz :

ARTICLE 19TH. Whenever any Council of Censors shall propose any amendment, explanation, or alteration, or addition to the Constitution of this State, they shall propose the same directly to the people, for their adoption or rejection, instead of calling a Convention to adopt or reject the same ; in which case they

shall by an ordinance, to be by them promulgated for that purpose, call upon the freemen of the State, qualified to vote for Representatives to the General Assembly, to meet at the place of their last freemen's meeting, in their towns respectively, on a day and hour to be by them designated in such ordinance, for the purpose of voting upon the amendments which the Council of Censors shall have proposed. And the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day of such freemen's meeting. And the Council of Censors shall, in such ordinance, designate the method in which the freemen shall be supplied with ballots, the manner in which their votes shall be expressed, the time, place, and manner of their return, and how, and by whom the result shall be ascertained and certified to the Governor. And when the result of such balloting shall have been certified to the Governor, or in his absence, of the Lieutenant Governor, he shall, by proclamation, make the same known to the people. And such Article or Articles as shall have been adopted by a majority of the freemen voting as aforesaid, he shall cause to be transcribed and certified under his hand and seal of the State, and deposited in the office of the Secretary of State; and the Secretary of State shall record the same. And they shall thereupon become, and henceforth be, a part of the Constitution of this State, and, as such, binding on the inhabitants thereof forever.

On motion, Mr. *Dillingham*, of Waterbury, introduced the following resolution, viz.:

Resolved—That it is inexpedient to adopt the 16th and 17th Articles of the proposed amendments, alterations and additions to the Constitution of this State, proposed by the council of censors on the 15th day of January, 1835, and now under consideration.

Which was read, and

Mr. *Newcomb*, of Williamstown, on the question, Shall the resolution pass, and the 16th and 17th Articles of the proposed amendments be rejected? demanded the yeas and nays.

On the yeas and nays being taken, the following gentlemen voted in the affirmative:

Messrs.

Adams
Aiken
Alden
Albee
Ambler
Armstrong
Austin
Balch
Bailey of Brighton
Bailey of Fairlee
Ball
Bartlett
Beeman of Fairfax
Beeman of Poultney
Belding
Beckwith
Blake
Blodgett
Bottom of Shaftsbury
Bottom of N. Haven
Bruce of Chester
Bruce of Woodbury
Bradley
Bush
Butler
Carlisle
Carpenter of Moretown
Carpenter of Orange
Carter
Cahoon
Chaffee of Belvidere
Chaffee of Rochester
Church of Hancock
Church of Kirby
Charlton
Chamberlain
Chase
Chittenden
Chipman
Child
Clement
Clark
Cooley
Cobb
Cole
Collamer
Dana
Dee
Demming
Dillingham
Dickerman
Drew
Eager
Emery
Field of Westminster
Fitch
Fisk
Fisher
Flagg
Flint
Flanders
Fletcher
Fuller of Hardwick
Fuller of Troy
Fullerton
Foot
Foster
French
Fry
Gay
Gardner
Galusha
Goddings
Gilman
Gibson
Gleason
Goodale
Griswold
Hale
Hall of Dover
Hall of Wallingsford
Hatch
Harriss
Hamilton
Haynes
Hewett

Hewes
Hinman of Derby
Hinman of Holland
Hill Hix
Hitchcock
Howe
Hollister
Holt
Hunt
Husted
Hyde
Jackman
Jewett
Jenness
Johnson
Janes
Jones
Kelton
Killam
Kidder
Kittridge
Knapp of Berlin
Knapp of Woodford
Knapp of Searsburgh
Knight
Ladd
Lawrence
Leavens of Berkshire
Leavens of Morgan
Leonard
Langshore
Lockwood
Luce
May
Mattock
Mather
Mason of Ira
Mason of Sheldon
Marsh
Mansfield
McDaniels
Meach
Miller of Lowell
Miller of Westfield
Millard
Moore of Newport
Moore of Rupert
Morgan
Morrill of Ryegate
Morrill of Strafford
Morse
Merrill
Newcomb
Niles
Noble
Onion
Palmer of Danville
Palmer of Plainfield
Pike
Perry
Pineo
Pomeroy
Prichard
Reynolds
Rice
Richmond
Robinson
Rounds
Rowell
Sawyer
Sartwell
Schoff Scott
Scofield
Sears of Morristown
Sears of Richford
Shearer
Sherman
Shedd
Shafter
Slater
Sleeper
Soule
Smith of Chelsea
Smith of Ludlow
Smith of Monkton
Smith of Northfield
Stevens of Bloomfield
Stevens of Newbury

Starks	*Vail*
Stickney	*Vilas*
Stanley	*Walker*
Stone	*Wales*
Stowell	*Watkins*
Stewart	*Wallace*
Stoddard	*Wells*
Sumner	*White*
Swift	*Whitney*
Tabor	*Wheelock of Wardsboro'*
Taggard	
Taylor	*Wheelock of Eden*
Thomas	*Wiley*
Thatcher	*Wooster*
Thomson	*Wright of Norwich*
Townsend	*Wright of Shoreham*
Vanderspeigle	*Yale*—210

The following gentlemen voted in the negative:

Messrs.	
Bean	*Huntington*
Brownell	*Paddock*
Field of Guilford	*Soper*
Hendee	*Stebbins*—8

So the resolution was adopted, and the 16th and 17th Articles of the proposed amendments, alterations and additions to the Constitution of this State, as proposed by the council of censors, were rejected by the convention, viz:

ARTICLE 16TH. The Legislature shall have power to divide the State, for the election of Senators, into convenient Districts, which may, from time to time, be altered and new districts established, as public convenience may require; and the Senators shall be apportioned among the several districts, according to their population, and according to the last Census, next before such appointment. *Provided*, Also, that the General Assembly shall have power to regulate, by law, the mode of balletting for the Senators, within the several districts; and, to provide the means and

manner, by which, the result of such balloting, shall be ascertained, and by, and through which, the Senators shall be certified of their election; but they shall not have power to increase the number of Senators, or, to apportion them to the several districts, otherwise, than according to the population, as near as may be, agreebly to the provisions herein, before, ordained.

ARTICLE 17TH. The laws which shall be enacted, in pursuance, and by virtue of the preceding Article, so long as the same shall remain in force, shall supersede, and thereby suspend the provisions of so much of the Eighth Article of these Amendments, as provides for the choice of Senators by Counties.

Mr. *Vilas* called up the resolution introduced by him and laid on the table.

Mr. *Hunt*, of St. Albans, moved the following amendment.

Strike out all after the word "Resolved," and insert—That the 1st, 2d, 3d, 4th and 5th Articles of amendment, alteration and addition of the Constitution of this State, as proposed by the council of censors on the 15th day of January, 1835, be adopted and become a part of the Constitution of the State of Vermont.

Which was read, and,

On motion of Mr. *Vilas*, the resolution offered by him, and the amendment proposed by Mr. Hunt, were referred to a committee to consist of the whole of the convention.

On motion of Mr. *Hunt*, the convention went into committee of the whole on Mr. Vilas's resolution and the amendment proposed by Mr. Hunt—Mr. MATTOCKS of Peacham, in the chair.

The committee rose, reported progress, and asked to be excused from the further consideration of the resolution offered by Mr Vilas, and the amendment proposed by Mr. Hunt.

Which report was accepted, and the committee excused from any further consideration.

On motion, Mr. Vilas had leave to withdraw his resolution.

On motion, Mr. *Aiken*, of Windsor, introduced the following resolutions, viz :

1*st*. *Resolved*—That the 1st Article of amendment, alteration and addition to the Constitution of this State, proposed by the late council of censors, be, and the same is hereby adopted.

2*d*. *Resolved*—That the 2d Article of amendment, alteration and addition to the Constitution of this State, proposed by the late council of censors, be, and the same is hereby adopted.

3*d*. *Resolved*—That the 3d Article of amendment, alteration and addition to the Constitution of this State, as proposed by the late council of censors, be, and the same is hereby adopted.

4*th*. *Resolved*—That the 4th Article of amendment, alteration and addition to the Constitution of this State, as proposed by the late council of censors, be, and the same is hereby adopted.

5*th*. *Resolved*—That the 5th Article of amendment, alteration and addition to the Constitution of this State, proposed by the late council of censors, be, and the same is hereby adopted.

Which resolutions were read, and, on motion of Mr. Cahoon, were referred to a committee to consist of the whole of the convention.

On motion of Mr. Cahoon, the convention went into committee of the whole on Mr. Aiken's resolutions—Mr. MATTOCKS of Peacham, in the chair.

The committee rose, reported progress, and had leave to sit again tomorrow morning, at 9 o'clock.

On motion of Mr. Foot, Mr. Sargeant had leave of absence.

On motion of Mr. Vilas, Mr. Wheelock had leave of absence from and after tomorrow.

The convention adjourned.

TUESDAY, JAN. 12TH, A. D. 1836, 9 O'CLOCK, A. M.

Convention met pursuant to adjournment, and the journal of yesterday was read.

Prayer by Rev. Chester Wright.

The following gentlemen were appointed to make up the debenture of the convention:

Bennington co. Mr. Bottom; *Windham*, Mr. Field of Wilmington; *Windsor*, Mr. Collamer; *Rutland*, Mr. Foote; *Addison*, Mr. Swift; *Orange*, Mr. Stevens; *Chittenden*, Mr. Pomeroy? *Washington*, Mr. Dillingham; *Caledonia*, Mr. Cahoon; *Essex*, Mr. Howe; *Orleans*, Mr. Killum; *Franklin*, Mr. Beeman; *Grand Isle*, Mr. Fletcher.

On motion, Mr. *Vilas* introduced the following resolution:

Resolved—That this convention meet tomorrow morning, at 7 o'clock, for the purpose of adjourning without day.

Which was read, and, on motion of Mr. *Beeman*, of Fairfax, laid on the table.

The Committee of Elections made the following report:

To the Hon. Convention now in session.

The committee of elections to whom was referred the credentials of all the members of this convention, with instructions to report such as are informally or improperly made, respectfully report—

That they have attended to the duties enjoined upon them by that resolution, and find that seventy-seven of the credentials vary, in form at least, from the prescription and requirement of the ordinance of the Council of Censors. Of these, twenty-four are informal in such a variety of particulars, that your committee refer to the credentials themselves as the shortest method of designating them. These informalities, however, in very few if any of them, amount to defects in substance.

Fourteen are signed by the *Town Clerk*, or *Constable*, without any fact appearing on the face of the credentials, to show that such officer was the presiding officer of the meeting, or the contingency existed at the meeting which made it his duty to preside.

There is one which does show on its face, that the town clerk who has signed the certificate was not the presiding officer.

One bears date eleven days before the meeting whose choice it certifies.

In one, it does not appear that the meeting was warned.

In one it is stated that the convention to which the member was elected, was to be holden on the first Wednesday of January, A. D. 1835.

One other contains both these last mentioned informalities or defects.

The remaining thirty-four are merely informal, and some of them only in a very slight degree.

Your committee would respectfully refer to the paper accompanying this report, marked A, which points to the informalities or defects in each particular case. Which is respectfully submitted.

ASA AIKINS, *Chairman.*

January 9th, 1836.

The following is the accompanying paper, marked A in the accompanying report:

The following are the imperfections noticed by your committee:

In Franklin County.

1. In the credentials of Richford, the words 'at Montpelier' are interpolated.

2. The credentials from Fairfield vary from the form prescribed in a variety of particulars, and is in the following words:

"State of Vermont. At a freemen's meeting legally warned "and holden at Fairfield, on Tuesday, the 17th day of Nov. A.D. "1835, Joseph Soule was elected by a majority of the freemen "present, to represent the town of Fairfield aforesaid in a State "Convention, called by the Council of Censors, to be holden at "Montpelier, in the State of Verme on the first Wednesday "of January, A. D. 1836.

"Given under my hand at Fairfield, this 17th day of Nov. 1835.

A. G. SOULE, *1st Const.*"

3. Cambridge, informal.
4. Highgate, slightly informal.
5. Sheldon, quite informal, perhaps in substance.
6. Berkshire, informal in substance.
7. Enosburgh, signed 'Timo. K. Adams, Const.'

In Chittenden County.

8. Bolton, defective in substance.
9. St. George, 'State of Vermont' interpolated.
10. Underhill, certified by 'Leonard Burton, *Town Clerk*,' the presiding officer having been elected.
11. Charlotte, 'State of Vermont' interpolated, and certified by 'Berdsley Newell, Const.'
12. Milton, 'the State' for *this* State.

In Addison County.

13. Bridport, 'State of Vermont' interpolated.
14. Weybridge, 'on' omitted, 'at Montpelier' interpolated.
15. Panton, 'a' omitted, certified 'A. S. Harris, Const.'

In Rutland County.

16. Fairhaven, 'State of Vermont, Rutland Co. ss." interpolated.
17. Orwell, 'State of Vermont' interpolated.
18. Mt. Tabor, informal, perhaps in substance.
19. Sudbury, 'couencilty' for council, 'at Montpelier' interpolated.
20. Castleton, '1st Wednesday of Jan. A. D. 1835,' for 1836.
21. Brandon, certified by 'B. Devenport, *Town Clerk*.'
22. Mount Holly, 'duly' interpolated.
23. Ira, 'ad town' for Ira.

In Bennington County.

24. Glastenbury, 'council of' omitted.
25. Peru, 'State' omitted, certified by 'M. Batcheller, Constable.'
26. Readsboro', 'at the council of censors' for of, &c.
27. Pownal, 'attest' interpolated.
28. Searsburgh, 'warned' omitted, 'A. D.' interpolated.

In Windham County.

29. Vernon, certified by 'Cyrus Washburn, town clerk, in the absence of the 1st constable.'

30. Rockingham, certified by 'M. Divoll, const.'

31. Putney, 'State of Vermont' interpolated.

32. Strattan, 'Nov. 17th, 1835' interpolated, and nothing omitted in lieu thereof.

33. Somerset, quite informal, perhaps in substance.

34. Windham, 'the State' for this State.

35. Acton, 'State of Vermont' interpolated, and 'sd town' for Acton.

36. Newfane, very informal, perhaps defective.

37. Wardsboro', 'legally' interpolated.

38. Marlboro', very informal and defective.

39. Townsend, very informal and defective.

40. Brattleboro,' 'be' left out between to and holden.

41. Westminster, 'legally' interpolated.

In Windsor County.

42. Bridgewater, very informal and defective.

43. Weathersfield, very informal, besides being certified by 'Joshua Upham, town clerk.'

44. Stockbridge, 'legally' interpolated, and certified by 'Merrick Gay, town clerk.'

45. Plymouth, very informal and defective.

46. Woodstock, 'at' omitted between holden and Woodstock.

47. Royalton, 'attest' interpolated.

48. Cavendish, certified by 'Joseph Adams, const.'

49. Chester, very informal and defective, and certified by 'Benj. B. Seargent, const.'

50. Hartford, 'in' omitted before pursuance, &c.

51. Norwich, informal.

In Orange County.

52. In Chelsea, 'State of Vermont' and 'legally' interpolated.

53. Corinth, six formal omissions in the certificate, but no one seems to impair the sense.

54. Thetford, very informal, probably defective.

55. Tunbridge, 'State of Vermont' and 'legally' interpolated.

In Caledonia County.

56. Groton, informal but not defective,

57. Walden, the month in which the convention sets is omitted, and 'it' interpolated.

58. Ryegate, 'A. D.' twice omitted.

In Washington County.

59. Duxbury, very informal, perhaps defective; signed by 'Ebenr. W. Cross, F. constable.'

60. Elmore, certified by 'Harry Davis, const.'

61. Stowe, 'A. D.' and 'all' interpolated.

62. Mansfield, very informal and defective.

63. Woodbury, 'at,' 'the,' 'state,' omitted. 'A. d.' interpolated.

64. Montpelier, 'A. D.' and 'attest' interpolated.

In Orleans County.

65. Lowell, certificate dated '6th day Nov. A. D. 1835.'

66. Greensboro,' 'State of Vermont' interpolated.

67. Westfield, 'of' in the date omitted, signed by 'Harvy Richardson, town clerk.'

68. Wolcott, date informal.

69. Hydepark, very informal and defective.

In Essex County.

72. Guildhall, 'warned and' omitted, the time of the convention 1st Wednesday of Jan. A. D. 1835,' in lieu of 1836.

73. Bloomfield, signed 'Danl. Holbrook, constable of Bloomfield.'

74. Maidstone, very informal and defective, and signed 'William Rich, town clerk.'

75. Waterford, 'State of Vermont' and 'A. D.' interpolated.

In Grand Isle County.

76. Isle La Mott, informal but not defective.

77. South Hero, 'State of Vermont' interpolated.

Which report, together with the accompanying paper, marked A. was read, and laid on the table.

Mr. *Dee*, of Georgia, called up the resolution referring all the credentials of the members of this convention to the committee of elections, together with their report thereon, when,

On motion, Mr. Collamer introduced the following resolution, viz :

Resolved—That all the sitting members of this convention are legally entitled to seats in this convention, notwithstanding any informalities or imperfections in the certificates of their election.

Which was read and adopted.

On motion of Mr. Hunt, Mr. Hatch had leave of absence.

On motion of Mr. Pomeroy, the convention went into committee of the whole on Mr. Aikins' five resolutions—Mr. Collamer in the chair.

Committee rose and reported,—That it is inexpedient to adopt any of the five resolutions introduced by Mr. Aikins, and now under consideration, and,

On motion of Mr. Hunt, the resolutions and the report thereon, were laid on the table.

Convention adjourned.

Tuesday, Jan. 12th, A. D. 1836, 2 o'clock, P. M.

The convention met pursuant to adjournment.

On motion, Mr. Collamer introduced the following resolution, viz :

Resolved—That the 6th, 12th, 13th and 14th, Articles of the amendments to the Constitution of this State, proposed by the council of cencors, and now under consideration, be adopted.

Which was read, and, on motion of Mr. Cahoon, laid on the table.

Mr. Vilas called up the report of the committee of the whole, on Mr. Aikins' resolutions, when

Mr. Collamer moved that the 1st resolution adopting the 1st Article of the proposed amendments, be adopted.

Mr. Pomeroy demanded the yeas and nays, which being taken, the following gentlemen voted in the affirmative :

Messrs.
Adams
Aiken
Alden
Ambler
Austin
Beeman of Fairfax
Beeman of Poultney
Blodgett
Boynton
Bottom of Shaftsbury
Bottom of N. Haven
Brownall
Bush
Bushnell
Butler
Carpenter of Orange
Church of Hancock
Charlton
Chandler
Chittenden
Chipman
Child
Clark
Cobb
Collamer
Dee
Demming
Field of Westminster
Fitch
Flagg
Fletcher
Galusha
Hale
Hall of Wallingford
Hamilton
Haynes
Hinman of Derby
Hill
Hollister
Hunt
Jewett
Kittridge
Knapp of Berlin
Ladd
Lawrence
Leavens of Berkshire
Leonard
Langshore
Lockwood
Mattocks
Mason of Sheldon
Marsh
Mansfield
Meach
Miller of Lowell
Moore of Rupert
Morgan
Merrill
Niles
Noble
Onion
Paddock
Palmer of Danville
Perry
Pomeroy
Prichard
Reynolds
Richmond
Sears of Richford
Shedd
Shafter
Soper
Smith of Chelsea
Stebbins
Stanley

Stowe
Stowell
Stewart
Sumner
Swift
Thomas
Trrcy
Vanderspeigle
Wales
Watkins
Wells
White
Whitney
Wright of Norwich
Wright of Shoreham
Yale—91

The following gentlemen voted in the negative :

Albee
Armstrong
Barrwos
Balch
Bailey of Brighton
Bailey of Fairlee
Ball
Bartlett
Belding
Beckwith
Bean
Blake
Bruce of Chester
Bruce of Woodbury
Bradley
Carlisle
Carpenter of Moret'n
Carter
Cahoon
Chaffee of Belvidere
Chaffee of Rochester
Church of Kirby
Chamberlain
Chase
Clement
Cooley
Cole
Cushman
Dana
Dillingham
Dickerman
Drew
Eager
Emery
Field of Guilford
Field of Wilmington
Fisk
Fisher
Flint
Flanders
Fuller of Hardwick
Fuller of Troy
Fullerton
Foot
Foster
French
Fry
Gay
Gardner
Goddings
Gilman
Gibson
Gleason
Goodale
Griswold
Hall of Dover
Harmon
Harriss
Hewett
Hewes
Hendee
Hinman of Holland
Hix
Hitchcock

Howe
Holt
Huntington
Husted
Hyde
Jackman
Jenness
Johnson
Janes
Jones
Kelton
Killam
Kidder
Knapp of Woodford
Knapp of Searsburgh
Leavene of Morgan
Luce
May
Mather
Mason of Ira
McDaniels
Millard
Moore of Newport
Morrill of Ryegate
Morrill of Strafford
Morse
Newcomb
Palmer of Plainfield
Pike
Pineo
Rice
Robinson
Rounds
Rowell
Sawyer
Sartwell
Schoff
Scott
Scofield
Sears of Morristown
Shearer
Sherman
Slater
Sleeper
Smith of Ludlow
Smith of Northfield
Stevens of Bloomfield
Stevens of Newbury
Starks
Stickney
Stone
Stoddard
Tabor
Taggard
Taylor
Thatcher
Thompson
Townsend
Vail
Viles
Walker
Wallace
Wheeler of Calais
Wheelock of Wardsboro'
Wheelock of Eden
Willey
Wooster—138

So the resolution and 1st Article of the proposed amendment, alteration and addition to the Constitution, as proposed by the Council of Censors, was rejected by the convention, viz:

ARTICLE 1ST. *Sheriffs* and *High Bailiffs* shall be elected by the freemen of their respective Counties,—and shall hold their offices for the term of three years,—Sheriffs shall give bonds in

such manner and amount as the Legislature shall direct,—and the Sheriffs shall not be re-eligible to the same office during the three years next following the term for which they shall have been elected.

Mr *Sawyer*, of Sudbury, called up the 2d resolution of Mr. Aikins, which was to adopt the 2d Article of the proposed amendments.

Mr. *Beeman* demanded the yeas and nays.

On the question, Shall the 2d resolution be adopted? the yeas and nays being taken, the following gentlemen voted in the affirmative, viz :

Messrs.
Adams
Aikins
Alden
Ambler
Armstrong
Austin
Beeman of Fairfax
Beeman of Poultney
Blodget
Boynton
Bottom of Shaftsbury
Bottom of N. Haven
Brownell,
Bush
Bushnell
Butler
Carlisle
Carpenter of Orange
Church of Hancock
Chandler
Chittenden
Chipman
Child
Clark
Cooley
Cobb
Dee
Demming
Dillingham
Field of Westminster
Fitch
Flagg
Fletcher
Fuller of Hardwick
Foot
French
Fry
Gardner
Galusha
Hale
Hall of Wallingsford
Hamilton
Haynes
Hinman of Derby
Hill
Howe
Hollister
Hunt
Husted
Jewett
Janes
Kittridge
Knapp of Berlin
Knight
Ladd
Lawrence
Leavens of Berkshire
Leonard
Langshore
Lockwood

Mattocks
Mason of Sheldon
Marsh
Mansfield
Meach
Miller of Lowell
Moore of Rupert
Morgan
Merrill
Niles
Noble
Onion
Paddock
Palmer of Danville
Perry
Pomeroy
Prichard
Reynolds
Richmond
Sears of Richford
Sherman
Shedd
Shafter
Slater
Sleeper
Soper
Smith of Chelsea
Starks
Stebbins
Stanley
Stone
Stowell
Stewart
Sumner
Swift
Thomas
Tracy
Vanderspeigle
Wales
Watkins
Wells
White
Whitney
Wright of Norwich
Wright of Shoreham
Yale—107

The following gentlemen voted in the negative:

Messrs.
Albee
Barrows
Balch
Bailey of Brighton
Bailey of Fairlee
Ball
Bartlett
Belding
Beckwith
Bean
Blake
Bruce of Chester
Bruce of Woodbury
Bradley
Carpenter of Moret'n
Carter
Cahoon
Chaffee of Belvidere
Chaffee of Rochester
Church of Kirby
Chamberlain
Chase
Clement
Cole
Cushman
Dana
Dickerman
Drew
Eager
Emery
Field of Guilford
Field of Wilmington
Fisk
Fisher
Flint

Flanders
Fuller of Troy
Fullerton
Foster
Gay
Goddings
Gilman
Gibson
Gleason
Goodale
Griswold
Hall of Dover
Harmon
Harriss
Hewett
Hewes
Hendee
Hinman of Holland
Hix
Hitchcock
Holt
Huntington
Hyde
Jackman
Jenness
Johnson
Jones
Kelton
Killam
Kidder
Knapp of Woodford
Knapp of Searsburgh
Leavens of Morgan
Luce
May
Mather
Mason of Ira
McDaniels
Miller of Westfield
Millard
Moore of Newport
Morrill of Strafford
Morse
Newcomb
Pike
Pineo
Rice
Robinson
Rounds
Rowell
Sawyer
Sartwell
Schoff
Scott
Scofield
Sears of Morristown
Shearer
Smith of Ludlow
Smith of Northfield
Stevens of Bloomfield
Stevens of Newbury,
Stickney
Stone
Stoddard
Tabor
Taggard
Taylor
Thatcher
Thomson
Townsend
Vail
Vilas
Walker
Wallace
Wheeler of Calais
Wheelock of Wardsboro'
Wheelock of Eden
Wiley
Wooster—114

So the 2d Article of the amendment, alteration and addition to the Constitution as proposed by the council of censors, was rejected by the convention, viz:

ARTICLE 2D. *State's Attornies* shall be annually elected by the freemen of their respective Counties.

Mr. *Wright*, of Norwich, called up the 3d resolution, and moved that the same be adopted, and demanded the yeas and nays.

On the yeas and nays being taken, the following gentlemen voted in the affirmative, viz:

Messrs.
Adams
Aikens
Alden
Ambler
Armstrong
Austin
Beeman of Fairfax
Beeman of Poultney
Blodgett
Boynton
Bottom of Shaftsbury
Bottom of N. Haven
Brownell
Bush
Bushnell
Butler
Carlisle
Carpenter of Orange
Church of Hancock
Charlton
Chandler
Chittenden
Chipman
Child
Clark
Cooley
Cobb
Dee
Demming
Dillingham
Field of Westminster
Fitch
Flagg
Fletcher
Fuller of Hardwick
Foot
French
Gardner
Galusha
Hale
Hall of Wallingford
Hamilton
Haynes
Hewett
Hinman of Derby
Hill
Hollister
Hunt
Husted
Janes
Kittridge
Knapp of Berlin
Knight
Ladd
Lawrence
Leavens of Berkshire
Leonard

Langshore
Lockwood
Mattocks
Mason of Sheldon
Marsh
Mansfield
Meach
Miller of Lowell
Moore of Rupert
Morgan
Morrill of Ryegate
Merrill
Niles
Noble
Onion
Paddock
Palmer of Plainfield
Perry
Pomeroy
Prichard
Reynolds
Richmond
Sears of Richford
Sherman
Shedd
Shafter
Slater
Sleeper
Soper
Smith of Chelsea
Starks
Stebbins
Stanley
Stowe
Stowell
Stewart
Sumner
Swift
Thomas
Wales
Watkins
Wells
White
Whitney
Wright of Norwich
Wright of Shoreham
Yale—104

The following gentlemen voted in the negative, viz :

Messrs.
Albee
Barrows
Balch
Bailey of Brighton
Bailey of Fairlee
Ball
Bartlett
Belding
Beckwith
Bean
Blake
Bruce of Chester
Bruce of Woodbury
Bradley
Carpenter of Moret'n
Carter
Cahoon
Chaffee of Belvidere
Chaffee of Rochester
Church of Kirby
Chamberlain
Chase
Clement
Cole
Cushman
Dana
Dickerman
Drew
Eager
Emery
Field of Guilford

Field of Wilmington
Fisk
Fisher
Flint
Flanders
Fuller of Troy
Fullerton
Foster
Fry
Gay
Goddings
Gilman
Gibson
Gleason
Goodale
Griswold
Hall of Dover
Harmon
Harriss
Hewes
Hendee
Hinman of Holland
Hix
Hitchcock
Howe
Holt
Huntington
Hyde
Jackman
Jewett
Jenness
Johnson
Jones
Kelton
Killum
Kidder
Knapp of Woodford
Knapp of Searsburgh
Leavens of Morgan
Luce
May
Mather
Mason of Ira
McDaniels
Miller of Westfield
Millard
Moore of Newport
Morrill of Strafford
Morse
Newcomb
Pike
Pineo
Rice
Robinson
Rounds
Rowell
Sawyer
Sartweil
Schoff
Scott
Scofield
Sears of Morristown
Shearer
Smith of Ludlow
Smith of Northfield
Stevens of Bloomfield
Stevens of Newbury
Stickney
Stone
Stoddard
Tabor
Taggard
Taylor
Thatcher
Thomson
Townsend
Vail
Vilas
Walker
Wallace
Wheeler of Calais
Wheelock of Ward's
Wheelock of Eden
Wiley
Wooster—116

So the 3d Article of the amendment, alteration and addition to the Constitution, as proposed by the council of censors, was rejected by the convention, viz:

ARTICLE 3D. *Judges of Probate* shall be annually elected by the freemen of their respective Probate Districts.

Mr. Mattocks called up the 4th resolution introduced by Mr. Aikins, and moved that the resolution, together with the 4th Article of the proposed amendments be dismissed—and they were dismissed, viz.:

ARTICLE 4TH. The election to the several offices mentioned in the preceding Articles, shall be made at the times and in the manner now directed in the Constitution for the choice of Councillors.—And the proper officer, after he shall have sealed up and directed the votes, shall deliver them to some Representative chosen to attend the General Assembly.—And at the opening of the General Assembly, there shall be a Committee appointed out of the same, who shall be sworn, and shall proceed to receive, sort and count the votes. And the highest in nomination for the respective offices shall be by said Committee declared duly elected, —and by the Governor be duly commissioned; and if two or more persons designated for any one such office, shall have received an equal number of votes, the General Assembly shall elect one of them, who shall serve as aforesaid.

Mr. Mattocks called up the 5th resolution, introduced by Mr. Aikins, and moved that the same, with the 5th Article of the proposed amendments be adopted—and demanded the yeas and nays.

On the yeas and nays being taken, the following gentlemen voted in the affirmative, viz:

Messrs.
Adams
Aikins
Ambler
Armstrong
Austin
Ball
Beeman of Fairfax
Beeman of Poultney
Beckwith
Boynton
Bottom of Shaftsbury
Bottom of N. Haven
Brownell,
Bush
Bushnell
Butler
Carlisle
Carpenter of Orange
Church of Hancock
Charlton
Chandler
Chittenden
Chipman
Child
Clark
Cobb
Dee
Demming
Fitch
Flagg
Fletcher
Fuller of Hardwick
Gardner
Galusha
Gilman
Gleason
Hale
Hall of Wallingsford
Haynes
Hinman of Derby
Hill
Hollister
Hunt
Huntington
Husted
Jewett
Janes
Kittridge
Knapp of Berlin
Ladd
Lawrence
Leavens of Berkshire
Leonard
Langshore
Lockwood
Luce
May
Mattocks
Mason of Sheldon
Marsh
Meech
Miller of Lowell
Moore of Rupert
Morgan
Morrill of Ryegate
Merrill
Niles
Noble
Onion
Paddock
Palmer of Danville
Palmer of Plainfield
Perry
Pomeroy
Prichard
Reynolds
Richmond
Sherman
Shedd
Shafter
Slater
Sleeper
Soper
Smith of Chelsea
Smith of Ludlow
Stevens of Bloomfield
Starks

Stebbins
Stanley
Stewart
Sumner
Thomas
Tracy
Vanderspeigle
Wales
Watkins
Wells
White
Whitney
Wheelock of Wards'o
Wooster
Wright of Norwich
Wright of Shoreham
Yale—104

The following gentlemen voted in the negative :

Messrs.
Albee
Barrows
Balch
Bailey of Brighton
Bailey of Fairlee
Bartlett
Belding
Bean
Blake
Blodget
Bruce of Chester
Bruce of Woodbury
Bradley
Carpenter of Moret'n
Carter
Cahoon
Chaffee of Belvidere
Chaffee of Rochester
Church of Kirby
Chamberlain
Chase
Clement
Cooley
Cole
Collamer
Cushman
Dana
Dillingham
Dickerman
Drew
Eager
Emery
Field of Guilford
Field of Westminster
Field of Wilmington
Fisk
Fisher
Flint
Flanders
Fuller of Troy
Fullerton
Foot
Foster
Fry
Gay
Goddings
Gibson
Goodale
Griswold
Hall of Dover
Harmon
Harriss
Hamilton
Hewett
Howes
Hendee
Hinman of Holland
Hix
Hitchcock
Howe
Holt
Hyde
Jackman

Jenness	*Sartwell*
Johnson	*Schoff*
Jones	*Scott*
Kelton	*Scofield*
Killum	*Sears of Morristown*
Kidder	*Sears of Richford*
Knapp of Woodford	*Shearer*
Knapp of Searsburgh	*Smith of Northfield*
Knight	*Stevens of Newbury*
Leavens of Morgan	*Stickney*
Mather	*Stone*
Mason of Ira	*Stow*
Mansfield	*Stowell*
McDaniels	*Stoddard*
Miller of Westfield	*Swift*
Millard	*Tabor*
Moore of Newport	*Taggard*
Morrill of Strafford	*Taylor*
Morse	*Thatcher*
Newcomb	*Townsend*
Pike	*Vail*
Pineo	*Vilas*
Rice	*Walker*
Robinson	*Wallace*
Rounds	*Wheeler of Calais*
Rowell	*Wheelock of Eden*
Sawyer	*Wiley*—118

So the resolution and 5th Article of the proposed amendment, alteration and addition to the Constitution, as proposed by the Council of Censors, was rejected by the convention, viz:

ARTICLE 5TH. *Justices of the Peace*, not exceeding ten to each town, shall be annually elected by the freemen thereof,—and until otherwise provided by law, their election shall be made on the day and in the manner now directed for the choice of Representatives to the General Assembly,—and it shall be the duty of the Town Clerk of each town, for the time being, to make a certificate of the names of such persons, who shall have been duly elected to said offices, directed to the Governor, who, on receiving such certificate, shall commission the same.

The convention adjourned.

WEDNESDAY, JAN. 13TH, A. D. 1836, 9 O'CLOCK, A. M.

The convention met pursuant to adjournment, and the journal of yesterday was read.

Prayer by the Rev. Chester Wright.

On motion, Mr. *Beeman*, of Fairfax, introduced the following resolution:

Resolved—That the Secretary be directed to procure 600 copies of the journal of this convention to be printed and distributed as follows:—One copy to each member of this convention; one to each town clerk; one to the Lieut. Governor; one copy to each Councillor; and one to the Treasurer of the State.

Which was read, and, on motion of Mr. Dillingham, laid on the table.

Mr. Cahoon called up the resolution introduced by Mr. Collamer on the 12th of January, and laid on the table, proposing the adoption of the 6th, 12th, 13th and 14th Articles of the proposed amendments.

Mr. *Jenness* moved that the resolution, and the 6th, 12th, 13th and 14th Articles of amendment, alteration and addition to the Constitution, as proposed by the council of censors, be adopted.

Mr. Brownall demanded the yeas and nays.

Mr. Mason of Sheldon, moved to lay the resolution on the table.

On which motion, Mr. Brownall demanded the yeas and nays.

On the question, Shall the resolution of Mr. Collamer be laid on the table? the yeas and nays being taken, the following gentlemen voted in the affirmative, viz:

Messrs.	
Albee	*Cole*
Balch	*Doe*
Beeman of Fairfax	*Dickerman*
Bean	*Emery*
Bruce of Chester	*Field of Guilford*
Bruce of Woodbury	*Field of Wilmington*
Bradley	*Fish*
Chaffee of Belvidere	*Fisher*
Clement	*Fuller of Troy*
	Foster

Gilman
Gibson
Goodale
Hall of Dover
Harriss
Heaton
Hillman of Holland
Hix
Hitchcock
Jeckman
Jenness
Kidder
Luce
May
Mason of Sheldon
Millard
Morse
Niles
Pike
Pineo
Robinson
Rounds
Rowell
Sartwell
Sears of Richford
Smith of Ludlow
Stickney
Stebbins
Tabor
Taylor
Thatcher
Thomson
Vilas
Walker
Wheeler of Calais
Wiley
Wooster—56

The following gentlemen voted in the negative :

Messrs.
Adams
Aikens
Alden
Ambler
Armstrong
Austin
Barrows
Bailey of Brighton
Bailey of Fairlee
Ball
Bartlett
Beeman of Poultney
Belding
Beckwith
Blake
Blodgett
Boynton
Bottum of Shaftsbury
Bottum of N. Haven
Brownell
Bush
Bushnell
Butler
Carlisle
Carpenter of Orange
Carter
Cahoon
Chaffee of Rochester
Church of Hancock
Church of Kirby
Charlton
Chandler
Chamberlain
Chittenden
Chipman
Child
Clark
Cooley
Cobb
Collamer
Cushman
Dana
Demming

Dillingham
Eager
Field of Westminster
Fitch
Flagg
Flint
Flanders
Fletcher
Fuller of Hardwick
Fullerton
Foot
French
Fry
Gay
Gardner
Galusha
Goddings
Gleason
Griswold
Hale
Hall of Wallingford
Harmon
Hamilton
Haynes
Hewett
Hendee
Hinman of Derby
Hill
Howe
Hollister
Holt
Hunt
Huntington
Husted
Hyde
Jewett
Johnson
Janes
Jones
Kelton
Killam
Kimpton
Kittridge
Knapp of Berlin
Knapp of Woodford
Knapp of Searsburgh
Knight
Ladd
Lawrence
Leavens of Morgan
Leavens of Berkshire
Leonard
Langshore
Lockwood
Mattocks
Mather
Mason of Ira
Marsh
Mansfield
McDaniels
Meach
Miller of Lowell
Miller of Westfield
Moore of Newport
Moore of Rupert
Morgan
Morrill of Ryegate
Morrill of Strafford
Merrill
Newcomb
Noble
Onion
Paddock
Palmer of Danville
Palmer of Plainfield
Perry
Pomeroy
Prichard
Reynolds
Rice
Richmond
Sawyer
Schoff
Scott
Scofield
Searl of Morristown
Shedrer
Sherman

Shedd
Shafter
Slater
Sleeper
Soper
Soule
Smith of Chelsea
Smith of Northfield
Stevens of Bloomfield
Stevens of Newbury
Starks
Stanley
Stone
Stowe
Stowell
Stewart
Stoddard
Sumner
Swift
Taggard
Thomas
Townsend
Tracy
Vanderspeigle
Vail
Wales
Watkins
Wallace
Wells
White
Whitney
Wheelock of Wardsboro'
Wright of Norwich
Wright of Shoreham
Yale—165

So the convention refused to lay the resolution on the table.

On the question, Shall the resolution pass? the yeas and nays being taken, the following gentlemen voted in the affirmative, viz:

Messrs.
Adams
Aikins
Alden
Ambler
Armstrong
Austin
Bailey of Brighton
Bailey of Fairlee
Bartlett
Beeman of Fairfax
Beeman of Poultney
Beckwith
Blake
Blodgett
Boynton
Bottom of Shaftsbury
Bottom of N. Haven
Brownell
Bush
Bushnel
Butler
Carlisle
Carpenter of Orange
Carter
Cahoon
Chaffee of Belvidere
Chaffee of Rochester
Church of Hancock
Church of Kirby
Charlton
Chandler
Chamberlin
Chittenden
Chipman
Child
Clark
Cooley
Cobb
Collamer

Cushman
Dana
Demming
Dillingham
Eager
Field of Westminster
Fitch
Fisk
Flagg
Flint
Flanders
Fletcher
Fuller of Hardwick
Fullerton
Foot
French
Fry
Gardner
Galusha
Goddings
Gleason
Griswold
Hale
Hall of Wallingford
Harmon
Harris
Hamilton
Haynes
Hewett
Hendee
Hinman of Derby
Hinman of Holland
Hill
Hitchcock
Howe
Hollister
Holt
Hunt
Huntington
Husted
Hyde
Jewett
Jenness
Janes
Jones
Kelton
Killam
Kidder
Kimpton
Kittridge
Knapp of Berlin
Knight
Ladd
Lawrence
Leavens of Berkshire
Leonard
Langshore
Lockwood
Mattocks
Mason of Ira
Mason of Sheldon
Marsh
Mansfield
McDaniels
Meach
Miller of Lowell
Moore of Newport
Moore of Rupert
Morgan
Morrill of Ryegate
Morrill of Strafford
Merrill
Noble
Onion
Paddock
Palmer of Danville
Palmer of Plainfield
Perry
Pomeroy
Prichard
Reynolds
Rice
Richmond
Sawyer
Schoff
Scott
Sears of Richford
Shearer

Sherman
Shedd
Shafter
Slater
Sleeper
Soper
Smith of Chelsea
Stevens of Bloomfield
Stevens of Newbury
Starks
Stanley
Stone
Stow
Stowell
Stewart
Staddard
Sumner
Swift
Taggard
Thomas
Townsend
Tracy
Vanderspeigle
Vail
Wales
Watkins
Wallace
Wells
White
Whitney
Wheelock of Wardsboro'
Wooster
Wright of Northfield
Wright of Shoreham
Yale—161

The following gentlemen voted in the negative :

Messrs.
Albee
Barrows
Balch
Ball
Belding
Bean
Bruce of Chester
Bradley
Clement
Cole
Dee
Dickerman
Field of Guilford
Field of Wilmington
Fisher
Fuller of Troy
Foster
Gay
Gibson
Goodale
Hall of Dover
Hewes
Hix
Jackman
Johnson
Knapp of Woodford
Knapp of Searsburgh
Leavens of Morgan
Lace
May
Miller of Westfield
Millard
Morse
Newcomb
Pike
Pinco
Robinson
Rounds
Rowell
Sartwell
Scofield
Sears of Morristown
Smith of Ludlow
Stickney
Stebbins
Tabor
Thatcher
Thomson
Wiley—49

So the resolution passed, and the 6th, 12th, 13th and 14th Articles of the amendment, alteration and addition to the Constitution of the State were adopted by the convention, viz :

ARTICLE 6TH. The most numerous branch of the Legislature of this State shall hereafter be styled the House of Representatives.

ARTICLE 12TH. The Supreme Executive power of this State, shall be exercised by the Governor, or in case of his absence, or disability, by the Lieut. Governor; who shall have all the powers, perform all the duties vested in, and enjoined upon the Governor and Council, by the Eleventh and Twenty-seventh Sections of the second Chapter of the Constitution, as at the present established, excepting that he shall not sit as a judge, in case of impeachment, nor grant reprieve or pardon, in any such case; nor shall he command the forces of the State in person, in time of war, or insurrection, unless by the advice and consent of the Senate; and no longer than they shall approve thereof. The Governor may have a Secretary of civil and military affairs, to be by him appointed during pleasure, whose services he may at all times command; and for whose compensation provision shall be made by law.

ARTICLE 13TH. The votes for Governor, Lieut. Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and the House of Representatives. If, at any time, there shall be no election, by the freemen, of Governor, Lieut. Governor, or Treasurer, of the State, the Senate and House of Representatives shall, by a joint ballot, elect to fill the office, not filled by the freemen as aforesaid, one of the three candidates for such office, (if there be so many) for whom the greatest number of votes shall have been returned.

ARTICLE 14TH. The Secretary of State, and all officers, whose elections are not otherwise provided for, and who under the existing provisions of the Constitution, are elected by the Council and House of Representatives, shall, hereafter, be elected by the Senate and House of Representatives, in joint assem-

bly, at which the presiding officer of the Senate shall preside; and such presiding officer in such joint assembly shall have a casting vote, and no other.

The convention adjourned.

WEDNESDAY, JAN. 13TH, A. D. 1836, 2 O'CLOCK, P. M.

Convention met pursuant to adjournment.

On motion, Mr. Wright of Norwich introduced the following resolution, viz:

Resolved—That the 18th and 20th Articles of amendment, alteration and addition to the Constitution of this State, proposed by the council of censors, and now under consideration of this convention, be, and the same are, hereby adopted.

Which was read, and, by consent of the mover, was laid on the table.

On motion, Mr. Butler, of Stowe, introduced the following resolution, viz:

Resolved—That this convention adopt the 15th Article of the amendment, alteration and addition to the Constitution of this State, as proposed by the council of censors, and now under consideration.

The resolution being read, on the question, Shall the resolution be adopted? Mr. Tracy of Hartford demanded the yeas and nays.

On the yeas and nays being taken, the following gentlemen voted in the affirmative, viz:

Messrs.

Adams
Aikins
Ambler
Armstrong
Austin
Bartlett
Beeman of Fairfax
Beeman of Poultney
Blake
Boynton
Bottom of Shaftsbury
Bottom of N. Haven
Brownal
Bush
Bushnel
Butler
Carlisle
Carpenter of Orange
Carter
Cahoon
Church of Hancock
Church of Kirby
Chandler
Chittenden
Chipman
Clark
Cooley
Cobb
Collamer
Dana
Dillingham
Field of Guilford
Field of Westminster
Fitch
Flagg
Flanders
Fletcher
Fuller of Hardwick
Foot
French
Galusha
Goddings
Gleason
Goodale
Griswold
Hale
Hall of Wallingford
Harris
Hamilton
Haynes
Hewett
Hendee
Hinman of Derby
Hinman of Holland
Hitchcock
Hollister
Holt
Hunt
Jackman
Jewett
Jenners
Johnson
Jones
Killam
Kidder
Kimpton
Kittridge
Knapp of Berlin
Knight
Ladd
Lawrence
Leavens of Berkshire
Leonard
Lockwood
Luce
Mather
Mason of Ira
Mason of Sheldon
Mansfield
McDaniels
Meach
Miller of Lowell
Moore of Newport
Morgan
Morrill of Ryegate
Morrill of Strafford
Merrill

Niles
Noble
Onion
Paddock
Palmer of Danville
Palmer of Plainfield
Perry
Pineo
Pomeroy
Prichard
Reynolds
Rice
Rickmond
Rounds
Sawyer
Sartwell
Scott
Sears of Richford
Shearer
Sherman
Shedd
Shafter
Slater
Sleeper
Soper
Smith of Chelsea
Stevens of Newbury
Stebbins
Stanley
Stowell
Stewart
Sumner
Swift
Taylor
Townsend
Vail
Wales
Wells
White
Whitney
Wooster
Wright of Norwich
Wright of Shoreham
Yale—131

The following gentlemen voted in the negative :

Messrs.
Albee
Barrows
Balch
Bailey of Brighton
Bailey of Fairlee
Ball
Belding
Bean
Blodget
Bruce of Chester
Bruce of Woodbury
Bradley
Carpenter of Moret'n
Chaffee of Belvidere
Chaffee of Rochester
Charlton
Chamberlin
Chase
Child
Clement
Cole
Dee
Demming
Dickerman
Drew
Eager
Emery
Fisk
Fisher
Flint
Fuller of Troy
Fullerton
Foster
Gay
Gardner
Gibson
Hall of Dover

Howes	*Sears of Morristown*
Hix	*Smith of Ludlow*
Howe	*Smith of Northfield*
Husted	*Stevens of Bloomfield*
Hyde	*Starks*
Janes	*Stickney*
Kelton	*Stone*
Knapp of Woodford	*Stow*
Knapp of Searsburgh	*Stoddard*
Leavens of Morgan	*Tabor*
May	*Taggard*
Mattocks	*Thomas*
Marsh	*Thatcher*
Miller of Westfield	*Thomson*
Millard	*Tracy*
Moore of Rupert	*Vanderspeigle*
Morse	*Vilas*
Newcomb	*Walker*
Pike	*Watkins*
Robinson	*Wallace*
Rowell	*Wheeler of Calais*
Schoff	*Wheelock of Ward's'o*
Scofield	*Wiley*—82

So the resolution passed and the 15th Article of the amendment, alteration and addition of the Constitution of this State, as proposed by the council of censors, was adopted by the convention, viz :

ARTICLE 15TH. Every bill which shall have passed the Senate and House of Representatives, shall, before it become a law, be presented to the Governor; if he approve, he shall sign it: if not, he shall return it, with his objections in writing, to the House in which it shall have originated; which shall proceed to reconsider it. If, upon such reconsideration, a majority of the House shall pass the bill, it shall, together with the objections, be sent to the other House, by which it shall, likewise, be reconsidered, and if approved by a majority of that House, it shall become a law. But in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the journal of each House,

respectively. If any bill shall not be returned by the Governor, as aforesaid, within five days, (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it; unless the two Houses, by their adjournment, within three days after the presentment of such bill, shall prevent its return; in which case it shall not become a law.

On motion of Mr. Pomeroy, the resolution of Mr. Vilas was called up, and again laid on the table.

Mr. Wright, of Norwich, called up his resolution adopting the 18th and 20th Articles of the proposed amendment, and being read, was adopted; so that the 18th and 20th Articles of the proposed amendment, alteration and addition to the Constitution of the State, as proposed by the council of censors, was adopted by the convention, viz:

Article 18th. The Writ of Habeas Corpus shall in no case be suspended.—It shall be a writ, issuable of right; and the General Assembly shall make provision to render it a speedy and effectual remedy in all cases proper therefore.

Article 20th. Such parts and provisions only of the Constiution of this State, established by Convention on the ninth day of July, one thousand seven hundred and ninety-three, as are altered or superseded by any of the foregoing amendments, or are repugnant thereto, shall hereafter cease to have effect.

Mr. Beeman, of Fairfax, called up his resolution, introduced on the 13th of Jan. A. M., and on his motion, the following was received as a substitute, viz.:

Resolved—That the Secretary procure to be printed one thousand two hundred copies of the Journal of this Convention, together with the Constitution of this State as it is now adopted and in force; and that the same be distributed by him in the following manner, viz:—To each member of this Convention, one copy; to the first Constable of each organized town, one copy; to the several Town Clerks of each organized town in this State, one copy each; to the several Judges of the Supreme, County and Probate Courts, one copy each; to the Clerks of the Su-

preme and County Courts and Registers of Probate, in this State one copy each; to the Sheriffs in this State, one copy each; to the members of the late Council of Censors, one copy each; twenty copies to the State Library; and the residue of the said number to be deposited in the office of the Secretary of the State, for distribution among the members of the next General Assembly of this State, and to the Governor, Lieut. Governor, Treasurer, Secretary of State, and the other officers of government, as the next General Assembly of this State, by law or resolution, direct.

Which was read and adopted.

On motion, Mr. Collamer introduced the following resolution:

Resolved—That a committee of three be appointed to report to this convention a form and manner of authentication and promulgation of the adopted amendments.

Which was read and adopted.

Messrs. Aikins, Collamer and Cahoon were appointed a committee on Mr. Collamer's resolution, who made the following report:

To the Convention now in session

Your committee appointed to draft and report a form of authentication of the Articles of amendment adopted by said convention, report the form hereto annexed, marked A, to be signed ed by the President and Secretary of this convention, entesed of record by the Secretary of State, and deposited in the archives of said Secretary. Also the form marked B, to be signed by the President and Secretary, and with a certified copy of said amendments, transmitted to his Honor the Acting Governor.

ASA AIKINS, *Chairman.*

January 13th, 1836.

The following is the form marked A, referred to in the foregoing report:

STATE OF VERMONT.

In Convention assembled at Montpelier on the 6th day of January, A. D. 1836.

The Convention having had under consideration the Articles of amendment, alteration and addition to the Constitution of this State, proposed by the late council of censors on the 15th day of January, A. D. 1835, and having deliberated thereon, have adopted the 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 18th and 20th of said Articles, which said Articles have thereby become a part of the Constitution of this State, and are in the words and figures following, that is to say :

ARTICLE 6TH. The most numerous branch of the Legislature of this State shall hereafter be styled the House of Representatives.

ARTICLE 7TH. The Supreme Legislative power of this State shall hereafter be exercised by a Senate and the House of Representatives ; which shall be styled, "The General Assembly of the State of Vermont."—Each shall have and exercise the like powers in all acts of Legislation ; and no bill, resolution, or other thing, which shall have been passed by the one, shall have the effect of, or be declared to be, a law, without the concurrence of the other.

Provided, That all Revenue bills shall originate in the House of Representatives,—but the Senate may propose or concur with with amendments, as on other bills. Neither House during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting,—and in case of disagreement between the two Houses, with respect to adjournment, the Governor may adjourn them to such time as he shall think proper.

ARTICLE 8TH. The Senate shall be composed of thirty Senators, to be of the freemen of the County for which they are elect-

ed, respectively, who are thirty years of age or upwards, and to be annually elected by the freemen of each County respectively. Each County shall be entitled to one Senator, at least, and the remainder of the Senators shall be apportioned to the several Counties according to their population, as the same was ascertained by the last Census, taken under the authority of the United States—regard being always had, in such apportionment, to the Counties having the greatest fraction.—But the several Counties shall, until after the next Census of the United States, be entitled to elect, and have their Senators, in the following proportion, to wit:

Bennington county, two; Windham county, three; Rutland county, three; Windsor county, four; Addison county, three; Orange county, three; Washington county, two; Chittenden county, two; Caledonia county, two; Franklin county, three; Orleans county, one; Essex county, one; Grand Isle county, one.

The Legislature shall make a new apportionment of the Senators, to the several Counties, after the taking of each Census of the United States, or Census taken, for the purpose of such apportionment, by order of the Government of this State—always regarding the above provisions in this article.

Article 9th. The freemen of the several towns in each County shall annually, give their votes for the Senators, apportioned to such County, at the same time, and under the same regulations, as are now provided for the election of Councillors.—And the person or persons, equal in number to the number of Senators apportioned to such County, having the greatest number of legal votes in such County respectively, shall be the Senator or Senators of such County.—At every election of Senators, after the votes shall have been taken, the Constable or presiding officer, assisted by the Selectmen and civil authority present, shall sort and count the said votes, and make two lists of the names of each person, with the number of votes given for each annexed to his name, a record of which shall be made in the Town Clerk's office, and shall seal up said lists, separately, and write on each the name

of the town, and these words, "Votes for Senator," or "Votes for Senators," as the case may be, one of which lists shall be delivered, by the presiding officer, to the Representative of said town, (if any) and if none be chosen, to the Representative of an adjoining town, to be transmitted to the President of the Senate;—the other list, the said presiding officer, shall within ten days, deliver to the Clerk of the County Court, for the same County,—and the Clerk of each County Court, respectively, or in case of his absence, or disability, the Sheriff of such County, or in case of the absence or disability of both, the High Bailift of such County, on the tenth day after such election, shall publicly open, sort, and count said votes;—and make a record of the same in the office of the Clerk of the County Court, a copy of which he shall transmit to the Senate:—and shall also, within ten days thereafter, transmit to the person or persons elected, a certificate of his or their election.

Provided, However, that the General Assembly shall have power to regulate by Law the mode of ballotting for Senators, within the several Counties, and to prescribe the means, and the manner by which the result of the ballotting shall be ascertained, and through which the Senators chosen shall be certified of their election, and for filling all vacancies in the Senate, which shall happen by death, resignation, or otherwise. But they shall not have power to apportion the Senators to the several Counties, otherwise than according to the population thereof, agreeably to the provisions herein before ordained.

Article 10th. The Senate shall have the like powers to decide on the election and qualifications of, and to expel any of its members, make its own rules, and appoint its own officers, as are incident to, or are possessed by, the House of Representatives.—A majority shall constitute a quorum. The Lieut. Governor shall be President of the Senate, except when he shall exercise the office of Governor, or when his office shall be vacant, or in his absence; in which cases the Senate shall appoint one of its own members to be President of the Senate, *pro tempore*. And the President of the Senate shall have a casting vote, but no other.

ARTICLE 11TH. The Senate shall have the sole power of trying and deciding upon all impeachments—when sitting for that purpose, they shall be on oath, or affirmation, and no person shall be convicted, without the concurrence of two thirds of the members present. Judgment in cases of impeachment, shall not extend farther than to removal from office—and disqualification to hold or enjoy any office of honor, or profit, or trust, under this State. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

ARTICLE 12TH. The Supreme Executive power of this State, shall be exercised by the Governor, or in case of his absence, or disability, by the Lieut. Governor; who shall have all the powers, perform all the duties vested in, and enjoined upon the Governor and Council, by the Eleventh and Twenty-seventh Sections of the second Chapter of the Constitution, as at the present established, excepting that he shall not sit as a judge, in case of impeachment, nor grant reprieve or pardon, in any such case; nor shall he command the forces of the State in person, in time of war, or insurrection, unless by the advice and consent of the Senate; and no longer than they shall approve thereof. The Governor may have a Secretary of civil and military affairs, to be by him appointed during pleasure, whose services he may at all times command; and for whose compensation provision shall be made by law.

ARTICLE 13TH. The votes for Governor, Lieut. Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and the House of Representatives. If, at any time, there shall be no election, by the freemen, of Governor, Lieut. Governor, or Treasurer, of the State, the Senate and House of Representatives shall, by a joint ballot, elect to fill the office, not filled by the freemen as aforesaid, one of the three candidates for such office, (if there be so many) for whom the greatest number of votes shall have been returned.

ARTICLE 14TH. The Secretary of State, and all officers, whose elections are not otherwise provided for, and who under

the existing provisions of the Constitution, are elected by the Council and House of Representatives, shall, hereafter, be elected by the Senate and House of Representatives, in joint assembly, at which the presiding officer of the Senate shall preside; and such presiding officer in such joint assembly shall have a casting vote, and no other.

ARTICLE 15TH. Every bill which shall have passed the Senate and House of Representatives, shall, before it become a law, be presented to the Governor; if he approve, he shall sign it; if not, he shall return it, with his objections in writing, to the House in which it shall have originated; which shall proceed to reconsider it. If, upon such reconsideration, a majority of the House shall pass the bill, it shall, together with the objections, be sent to the other House, by which it shall, likewise, be reconsidered, and if approved by a majority of that House, it shall become a law. But in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the journal of each House, respectively. If any bill shall not be returned by the Governor, as aforesaid, within five days, (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it; unless the two Houses, by their adjournment, within three days after the presentment of such bill, shall prevent its return; in which case it shall not become a law.

ARTICLE 18TH. The Writ of Habeas Corpus shall in no case be suspended.—It shall be a writ, issuable of right; and the General Assembly shall make provision to render it a speedy and effectual remedy in all cases proper therefore.

ARTICLE 20TH. Such parts and provisions only of the Constitution of this State, established by Convention on the ninth day of July, one thousand seven hundred and ninety-three, as are altered or superseded by any of the foregoing amendments, or are repugnant thereto, shall hereafter cease to have effect.

Done in and by order of the Convention, this 13th day of January, A. D. 1836.

——— ———, *President.*

———— ————, *Secretary.*

The following is the form, marked B, referred to in the foregoing report, viz :

To His Honor SILAS H. JENISON, Acting Governor of the State of Vermont.

Sir—The Convention of the people of this State, assembled in pursuance of the call of the late council of censors, having, upon due consideration, adopted the 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 18th and 20th Articles of the amendment alteration and addition to the Constitution, proposed by the council of censors on the 15th day of January, A. D. 1835, the said articles are herewith transmitted to your Honor, to the end that the same be made known to the people by proclamation, to be and remain henceforth a part of the Constitution of this State, and as such, binding on the people.

ARTICLE 6TH. The most numerous branch of the Legislature of this State shall hereafter be styled the House of Representatives.

ARTICLE 7TH. The Supreme Legislative power of this State shall hereafter be exercised by a Senate and House of Representatives; which shall be styled, "The General Assembly of the State of Vermont."—Each shall have and exercise the like powers in all acts of Legislation; and no bill, resolution, or other thing which shall have been passed by one, shall have the effect of, or be declared to be, a law, without the concurrence of the other.

Provided, That all Revenue bills shall originate in the House of Representatives,—but the Senate may propose or concur with amendments, as on other bills. Neither House, during the session of the General Assembly, shall, without the consent of the

other, adjourn for more than three days, nor to any other place than that, in which the two Houses shall be sitting,—and in case of disagreement between the two Houses, with respect to adjournment, the Governor may adjourn them to such time as he shall think proper.

ARTICLE 8TH. The Senate shall be composed of thirty Senators, to be of the freemen of the County for which they are elected, respectively, who are thirty years of age or upwards, and to be annually elected by the freemen of each County respectively. Each County shall be entitled to one Senator, at least, and the remainder of the Senators shall be apportioned to the several counties according to their population, as the same was ascertained by the last census, taken under the authority of the United States,—regard being always had, in such apportionment, to the counties having the greatest fraction.—But the several counties shall, until after the next census of the United States, be entitled to elect, and have their senators, in the following proportion, to wit,

Bennington county, two; Windham county, three; Rutland county, three; Windsor county, four; Addison county, three; Orange county, three; Washington county, two; Chittenden county, two; Caledonia county, two; Franklin county, three; Orleans county, one; Essex county, one; Grand Isle county, one.

The Legislature shall make a new apportionment of the senators, to the several counties, after the taking of each census of the United States, or census taken, for the purpose of such apportionment, by order of the government of this state—always regarding the above provisions in this article.

ARTICLE 9TH. The freemen of the several towns in each county, shall annually give their votes for the senators apportioned to such county, at the same time, and under the same regulations as are now provided for the election of councillors.—And the person or persons, equal in number to the number of senators, apportioned to such county, having the greatest number of legal votes, in such county respectively, shall be the senator or senators

of such county. At every election of senators, after the votes shall have been taken, the constable or presiding officer, assisted by the selectmen and civil authority present, shall sort and count the said votes, and make two lists of the names of each person, with the number of votes given for each annexed to his name, a record of which shall be made in the town clerk's office, and shall seal up said lists, separately, and write on each the name of the town, and these words, "Votes for senator," or "Votes for senators," as the case may be, one of which lists shall be delivered, by the presiding officer, to the Representative of said town, (if any) and if none be chosen, to the Representative of an adjoining town, to be transmitted to the President of the senate;—the other list the said presiding officer, shall within ten days, deliver to the clerk of the county court, for the same county,—and the clerk of each county court, respectively, or in case of his absence or disability, the sheriff of such county, or in case of the absence or disability of both, the high bailiff of such county, on the tenth day after such election, shall publicly open, sort, and count said votes; and make a record of the same in the office of the clerk of such county court, a copy of which he shall transmit to the senate;—and shall also within ten days thereafter, transmit to the person or persons elected, a certificate of his or their election.

Provided, However that the General Assembly shall have power to regulate by law the mode of balloting for senators, within the several counties, and to prescribe the means, and the manner by which the result of the balloting shall be ascertained, and through which the senators shall be certified of their election and for filling all vacancies in the senate, which shall happen by death, resignation or otherwise. But they shall not have power to apportion the senators to the several counties, otherwise, than according to the population thereof, agreeably to the provisions herein before ordained.

ARTICLE 10TH. The Senate shall have the like powers to decide on the election and qualifications of, and to expel any of its members, make its own rules, and appoint its own officers, as are incident to, or are possessed by, the House of Representatives.—A majority shall constitute a quorum. The Lieut. Governor shall be President of the Senate, except when he shall exercise the office of Governor, or when his office shall be vacant, or in his absence; in which cases the Senate shall appoint one of its own members to be President of the Senate, *pro tempore*. And the President of the Senate shall have a casting vote, but no other.

ARTICLE 11TH. The Senate shall have the sole power of trying and deciding upon all impeachments—when sitting for that purpose, they shall be on oath, or affirmation, and no person shall be convicted, without the concurrence of two thirds of the members present. Judgment in cases of impeachment, shall not extend farther than to removal from office—and disqualification to hold or enjoy any office of honor, or profit, or trust, under this State. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

ARTICLE 12TH. The Supreme Executive power of this State, shall be exercised by the Governor; or in case of his absence, or disability, by the Lieut. Governor; who shall have all the powers, perform all the duties vested in, and enjoined upon the Governor and Council, by the Eleventh and Twenty-seventh Sections of the second Chapter of the Constitution, as at the present established, excepting that he shall not sit as a judge, in case of impeachment, nor grant reprieve or pardon, in any such case; nor shall he command the forces of the State in person, in time of war, or insurrection, unless by the advice and consent of the Senate; and no longer than they shall approve thereof. The Governor may have a Secretary of civil and military affairs, to be by him appointed during pleasure, whose services he may at all times command; and for whose compensation provision shall be made by law.

ARTICLE 13TH. The votes for Governor, Lieut. Governor, and Treasurer, of the State, shall be sorted and counted, and the

result declared, by a committee appointed by the Senate and the House of Representatives. If, at any time, there shall be no election, by the freemen, of Governor, Lieut. Governor, or Treasurer, of the State, the Senate and House of Representatives shall, by a joint ballot, elect to fill the office, not filled by the freemen as aforesaid, one of the three candidates for such office, (if there be so many,) for whom the greatest number of votes shall have been returned.

ARTICLE 14TH. The Secretary of State, and all officers, whose elections are not otherwise provided for, and who under the existing provisions of the Constitution, are elected by the Council and House of Representatives, shall, hereafter, be elected by the Senate and House of Representatives, in joint assembly, at which the presiding officer of the Senate shall preside; and such presiding officer in such joint assembly shall have a casting vote, and no other.

ARTICLE 15TH. Every bill which shall have passed the Senate and House of Representatives, shall, before it become a law, be presented to the Governor; if he approve, he shall sign it: if not, he shall return it, with his objections in writing, to the House in which it shall have originated; which shall proceed to reconsider it. If, upon such reconsideration, a majority of the House shall pass the bill, it shall, together with the objections, be sent to the other House, by which it shall, likewise, be reconsidered, and if approved by a majority of that House, it shall become a law. But in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the journal of each House, respectively. If any bill shall not be returned by the Governor, as aforesaid, within five days, (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it; unless the two Houses, by their adjournment, within three days after the presentment of such bill, shall prevent its return; in which case it shall not become a law.

ARTICLE 16TH. The Writ of Habeas Corpus shall in no case be suspended.—It shall be a writ, issuable of right; and the Gen-

eral Assembly shall make provision to render it a speedy and effectual remedy in all cases proper therefore.

ARTICLE 20TH. Such parts and provisions only of the Constiution of this State, established by Convention on the ninth day of July, one thousand seven hundred and ninety-three, as are altered or superseded by any of the foregoing amendments, or are repugnant thereto, shall hereafter cease to have effect.

By order of the Convention.

Montpelier, Jan. 13th, A. D. 1836.

———— ————, *President.*

———— ————, *Secretary.*

Which report and forms were read and accepted, and the ordinance adopted as the ordinance of the convention.

Mr. Vilas's resolution was called up and adopted, to meet on Thursday morning, at 6 o'clock, for the purpose of adjourning the convention without day.

On motion, Mr. Mattocks introduced the following resolution:

Resolved—That the thanks of this convention be tendered to the Hon. Lyman Fitch, for the able and impartial manner in which he has performed the duties of President of this convention.

Which was read and unanimously adopted.

The convention adjourned to 6 o'clock, to-morrow morning.

THURSDAY, JAN. 14TH, A. D. 1836, 6 O'CLOCK, A. M.

The convention met pursuant to adjournment, and the journal of yesterday was read.

Prayer by the Rev. Chester Wright.

The convention adjourned without day, agreeble to the resolution of the convention.

STATE OF VERMONT.

I hereby certify that the foregoing is a correct journal of the proceedings of the Convention begun and holden at Montpelier, on the 6th day of January, A. D. 1836.

LUTHER B. HUNT, *Secretary.*

CONSTITUTION

OF THE

State of Vermont.

CHAPTER I.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT.

ARTICLE I.

That all men are born equally free and independent, and have certain natural, inherent, and inalienable rights, among which are, the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness, and safety;—therefore, no male person born in this country, or brought from over sea, ought to be holden by law to serve any person as a servant, slave or apprentice, after he arrives to the age of twenty-one years, nor female in like manner after she arrives to the age of eighteen years, unless they are bound by their own consent after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.

ARTICLE II.

That private property ought to be subservient to public uses when necessity requires it; nevertheless, whenever any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.

ARTICLE III.

That all men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God; and that no man ought to, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor can any man be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship; and that no authority can, or ought to be vested in or assumed by, any power whatever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship: nevertheless, every sect or denomination of christians ought to observe the Sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.

ARTICLE IV.

Every person within this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character: he ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

ARTICLE V.

That the people of this State, by their legal representatives, have the sole, inherent, and exclusive right of governing and regulating the internal police of the same.

ARTICLE VI.

That all power being originally inherent in, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way, accountable to them.

ARTICLE VII.

That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community: and that the community hath an indubitable, inalienable and indefeasible right to reform or alter government, in such a manner as shall be by that community judged most conducive to the public weal.

ARTICLE VIII.

That all elections ought to be free, and without corruption, and that all freemen, having a sufficient evident common interest with and attachment to, the community, have a right to elect and be elected into office, agreeably to the regulations made in this constitution.

ARTICLE IX.

That every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service when necessary, or an equivalent thereto; but no part of any person's property can be justly taken from him, or applied to public uses, without his own consent, or that of the representative body of the freemen; nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law but such as they have in like manner assented to, for their common good. And, previous to any law being made to raise a tax, the purpose for which it is to be raised ought to ap-

pear evident to the legislature to be of more service to the community, than the money would be if not collected.

ARTICLE X.

That in all prosecutions for criminal offences, a person hath a right to be heard, by himself and his counsel; to demand the cause and nature of his accusation; to be confronted with the witnesses; to call for evidence in his favor, and a speedy public trial, by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any person be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

ARTICLE XI.

That the people have a right to hold themselves, their houses, papers and possessions, free from search or seizure, and therefore warrants without oath or affirmation first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her, or their property, not particularly described, are contrary to that right, and ought not to be granted.

ARTICLE XII.

That when any issue in fact, proper for the cognizance of a jury, is joined, in a court of law, the parties have a right to trial by jury, which ought to be held sacred.

ARTICLE XIII.

That the people have a right to freedom of speech, and of writing and publishing their sentiments concerning the transactions of government, and therefore the freedom of the press ought not to be restrained.

ARTICLE XIV.

The freedom of deliberation, speech and debate, in the legisla-

ture, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court, or place whatsoever.

ARTICLE XV.

The power of suspending laws, or the execution of laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases as this constitution, or the legislature, shall provide for.

ARTICLE XVI.

That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up: and that the military should be kept under strict subordination to, and be governed by, the civil power.

ARTICLE XVII.

That no person of this state can in any case be subjected to law-martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

ARTICLE XVIII.

That the frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought, therefore, to pay particular attention to these points in the choice of officers and representatives, and have a right, in a legal way, to exact a due and constant regard to them from their legislators and magistrates, in making and executing such laws as are necessary for the good government of the state.

ARTICLE XIX.

That all people have a natural and inherent right to emigrate from one state to another that will receive them.

ARTICLE XX.

That the people have a right to assemble together to consult for their common good; to instruct their representatives; and to apply to the legislature for redress of grievances, by address, petition, or remonstrance.

ARTICLE XXI.

That no person shall be liable to be transported out of this state for trial, for any offence committed within the same.

CHAPTER II.

PLAN, OR FRAME OF GOVERNMENT.

SECTION 1. The commonwealth or state of Vermont, shall be governed hereafter by a Governor, (or Lieutenant-Governor) Senate and House of Representatives, in manner and form following:

SECTION 2. The legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

SECTION 3. The Supreme Legislative power of this State shall hereafter be exercised by a Senate and the House of Representatives; which shall be styled, "The General Assembly of the State of Vermont."—Each shall have and exercise the like powers in all acts of Legislation; and no bill, resolution, or other thing, which shall have been passed by the one, shall have the effect of, or be declared to be, a law, without the concurrence of the other.

Provided, That all Revenue bills shall originate in the House of Representatives,—but the Senate may propose or concur with with amendments, as on other bills. Neither House during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting,—and in case of disagreement between the two Houses, with respect to adjournment, the Governor may adjourn them to such time as he shall think proper.

SECTION 4. The most numerous branch of the Legislature of this State shall hereafter be styled the House of Representatives.

SECTION 5. The House of Representatives of the freemen of this state, shall consist of persons most noted for wisdom and virtue, to be chosen by ballot by the freemen of every town in this state, respectively, on the first Tuesday of September, annually, forever.

SECTION 6. The Representatives so chosen, (a majority of whom shall constitute a quorum for transacting business, shall meet on the second Thursday of the succeeding October, and shall be styled, *The House of Representatives*. They shall have power to choose their Speaker, their Clerk, and other necessary officers of the house; sit on their own adjournments; prepare bills and enact them; judge of the elections and qualifications of their own members: they may expel members, but not for causes known to their constituents antecedent to their election; they may administer oaths and affirmations in matters depending before them; redress grievances; impeach state criminals; grant charters of incorporation; constitute towns, boroughs, cities and counties; they may annually, on their first session after their election, in conjunction with the Senate, (or oftener if need be) elect judges of the supreme and several county and probate courts, sheriffs, and justices of the peace; and also, with the Senate, may elect major-generals and brigadier-generals, from time to time, as often as there shall be occasion; and they shall have all other powers necessary for the House of Representatives of a free and

sovereign state. But they shall have no power to add to, alter, abolish, or infringe, any part of this constitution.

SECTION 7. The Representatives having met, and chosen their speaker and clerk, shall, each of them, before they proceed to business, take and subscribe, as well the oath, or affirmation, of allegience, herein after directed, (except where they shall produce certificates of their having heretofore taken and subscribed the same) as the following oath, or affirmation, viz:

"*You,* *do solemnly swear,* (or affirm) *that as a member of this Assembly you will not propose or assent to any bill, vote, or resolution, which shall appear to you injurious to the people, nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State; but will in all things conduct yourself as a faithful, honest representative and guardian of the people, according to the best of your judgment and abilities.* (In case of an oath) *So help you God,* (and in case of an affirmation) *under the pains and penalties of perjury.*

SECTION 8. No person shall be elected a representative until he has resided two years in this state, the last of which shall be in the town for which he is elected.

SECTION 9. The Senate shall be composed of thirty Senators, to be of the freemen of the County for which they are elected, respectively, who are thirty years of age or upwards, and to be annually elected by the freemen of each County respectively. Each County shall be entitled to one Senator, at least, and the remainder of the Senators shall be apportioned to the several Counties according to their population, as the same was ascertained by the last Census, taken under the authority of the United States—regard being always had, in such apportionment, to the Counties having the greatest fraction.—But the several Counties shall, until after the next Census of the United States, be entitled to elect, and have their Senators, in the following proportion, to wit:

Bennington county, two; Windham county, three; Rutland county, three; Windsor county, four; Addison county, three; Orange county, three; Washington county, two; Chittenden county, two; Caledonia county, two; Franklin county, three; Orleans county, one; Essex county, one; Grand Isle county, one.

The Legislature shall make a new apportionment of the Senators, to the several Counties, after the taking of each Census of the United States, or Census taken, for the purpose of such apportionment, by order of the Government of this State—always regarding the above provisions in this article.

Section 10. The freemen of the several towns in each County shall annually, give their votes for the Senators, apportioned to such County, at the same time, and under the same regulations, as are now provided for the election of Councillors.—And the person or persons, equal in number to the number of Senators apportioned to such County, having the greatest number of legal votes in such County respectively, shall be the Senator or Senators of such County.—At every election of Senators, after the votes shall have been taken, the Constable or presiding officer, assisted by the Selectmen and civil authority present, shall sort and count the said votes, and make two lists of the names of each person, with the number of votes given for each annexed to his name, a record of which shall be made in the Town Clerk's office, and shall seal up said lists, separately, and write on each the name of the town, and these words, "Votes for Senator," or "Votes for Senators," as the case may be, one of which lists shall be delivered, by the presiding officer, to the Representative of said town, (if any) and if none be chosen, to the Representative of an adjoining town, to be transmitted to the President of the Senate;—the other list, the said presiding officer, shall within ten days, deliver to the Clerk of the County Court, for the same County,—and the Clerk of each County Court, respectively, or in case of his absence, or disability, the Sheriff of such County, or in case of the absence or disability of both, the High Bailiff of such County, on the tenth day after such election, shall publicly open, sort,

and count said votes;—and make a record of the same in the office of the Clerk of the County Court, a copy of which he shall transmit to the Senate:—and shall also, within ten days thereafter, transmit to the person or persons elected, a certificate of his or their election.

Provided, However, that the General Assembly shall have power to regulate by Law the mode of balloting for Senators, within the several Counties, and to prescribe the means, and the manner by which the result of the balloting shall be ascertained, and through which the Senators chosen shall be certified of their election, and for filling all vacancies in the Senate, which shall happen by death, resignation, or otherwise. But they shall not have power to apportion the Senators to the several Counties, otherwise than according to the population thereof, agreeably to the provisions herein before ordained.

Section 11. The Senate shall have the like powers to decide on the election and qualifications of, and to expel any of its members, make its own rules, and appoint its own officers, as are incident to, or are possessed by, the House of Representatives.—A majority shall constitute a quorum. The Lieut. Governor shall be President of the Senate, except when he shall exercise the office of Governor, or when his office shall be vacant, or in his absence; in which cases the Senate shall appoint one of its own members to be President of the Senate, *pro tempore*. And the President of the Senate shall have a casting vote, but no other.

Section 12. The Senate shall have the sole power of trying and deciding upon all impeachments—when sitting for that purpose, they shall be on oath, or affirmation, and no person shall be convicted, without the concurrence of two thirds of the members present. Judgment in cases of impeachment, shall not extend farther than to removal from office—and disqualification to hold or enjoy any office of honor, or profit, or trust, under this State. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 13. The Supreme Executive power of this State, shall be exercised by the Governor, or in case of his absence, or disability, by the Lieut. Governor; who shall have all the powers, perform all the duties vested in, and enjoined upon the Governor and Council, by the Eleventh and Twenty-seventh Sections of the second Chapter of the Constitution, as at the present established, excepting that he shall not sit as a judge, in case of impeachment, nor grant reprieve or pardon, in any such case; nor shall he command the forces of the State in person, in time of war, or insurrection, unless by the advice and consent of the Senate; and no longer than they shall approve thereof. The Governor may have a Secretary of civil and military affairs, to be by him appointed during pleasure, whose services he may at all times command; and for whose compensation provision shall be made by law.

SECTION 14. [*The eleventh section of the old Constitution as now in force, referred to in section* 13.] The Governor, and in his absence the Lieutenant-Governor, shall have power to commission all officers, and also to appoint officers, except where provision is or shall be otherwise made by law, or this frame of government; and shall supply every vacancy in any office, occasioned by death, or otherwise, until the office can be filled in the manner directed by law or this constitution.

He is to correspond with other states; transact business with officers of government, civil and military, and to prepare such business as may appear to him necessary to lay before the General Assembly; he shall have power to grant pardons and remit fines, in all cases whatsoever, except in treason, and murder, in which he shall have power to grant reprieves, but not to pardon, until after the end of the next session of Assembly; and except in cases of impeachment, in which there shall be no remission or mitigation of punishment, but by act of legislation: he is to expedite the execution of such measures as may be resolved on by the General Assembly; and he may draw upon the treasury for such sums as may be appropriated by the General Assembly: he may also lay embargos, or prohibit the exportation of any commodity for any time not exceeding thirty days, in the recess of the General Assembly only. He may grant such licences as shall

be directed by law; and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be captain-general and commander in chief of the forces of the state, but shall not command in person, except advised thereto by the Senate, and then only so long as they shall approve thereof. And the Lieutenant Governor shall, by virtue of his office, be lieutenant-general of all the forces of the state. The Governor, Lieutenant Governor, and the Senate, shall meet at the time and place with the General Assembly.

SECTION 15. [*The twenty-seventh section of the old Constitution as now in force, referred to in section 13.*] The Treasurer of the state shall, before the Governor, give sufficient security to the secretary of state, in behalf of the General Assembly; and each high sheriff, before the first judge of the county court, to the treasurer of their respective counties, previous to their respectively entering upon the execution of their offices, in such manner and in such sums, as shall be directed by the legislature.

SECTION 16. The freemen of each town shall, on the day of the election for choosing representatives to attend the General Assembly, bring in their votes for Governor, Lt. Governor and Treasurer, with their names fairly written, to the constable, who shall seal them up and write on them, "*Votes for Governor,*" and deliver them to the representative chosen to attend the General Assembly.

SECTION 17. The votes for Governor, Lieut. Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and the House of Representatives. If, at any time, there shall be no election, by the freemen, of Governor, Lieut. Governor, or Treasurer, of the State, the Senate and House of Representatives shall, by a joint ballot, elect to fill the office, not filled by the freemen as aforesaid, one of the three candidates for such office, (if there be so many) for whom the greatest number of votes shall have been returned.

SECTION 18. The Secretary of State, and all officers, whose elections are not otherwise provided for, and who under the existing provisions of the Constitution, are elected by the Council and House of Representatives, shall, hereafter, be elected by the Senate and House of Representatives, in joint assembly, at which the presiding officer of the Senate shall preside; and such presiding officer in such joint assembly shall have a casting vote, and no other.

SECTION 19. The doors of the house in which the General Assembly of this commonwealth shall sit, shall be open, for the admission of all persons who behave decently, except only when the welfare of the state may require them to be shut.

SECTION 20. The votes and proceedings of the General Assembly shall be printed (when one third of the members think it necessary) as soon as convenient after the end of each session, with the *yeas* and *nays* on any question, when required by any member, (except where the votes shall be taken by ballot) in which case, every member shall have a right to insert the reasons of his vote upon the minutes.

SECTION 21. The style of the laws of this state, in future to be passed, shall be, *It is hereby enacted by the General Assembly of the State of Vermont.*

SECTION 22. Every bill which shall have passed the Senate and House of Representatives, shall, before it become a law, be presented to the Governor; if he approve, he shall sign it; if not, he shall return it, with his objections in writing, to the House in which it shall have originated; which shall proceed to reconsider it. If, upon such reconsideration, a majority of the House shall pass the bill, it shall, together with the objections, be sent to the other House, by which it shall, likewise, be reconsidered, and if approved by a majority of that House, it shall become a law. But in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the journal of each House, respectively. If any bill shall not be returned by the Governor, as

aforesaid, within five days, (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it; unless the two Houses, by their adjournment, within three days after the presentment of such bill, shall prevent its return; in which case it shall not become a law.

SECTION 23. No money shall be drawn out of the treasury, unless first appropriated by act of legislation.

SECTION 24. No member of the Senate or House of Representatives, shall, directly or indirectly, receive any fee or reward to bring forward or advance any bill, petition, or other business to be transacted in the legislature, or advocate any cause as counsel in either house of legislation, except when employed in behalf of the state.

SECTION 25. No person ought in any case, or in any time, to be declared guilty of treason, or felony, by the legislature.

SECTION 26. Every natural born citizen of this or any of the United States, of the full age of twenty-one years, having resided in this state for the space of one whole year next before the election of representatives, and is of a quiet and peaceable behaviour and will take the following oath, or affirmation, shall be entitled to all the privileges of a freeman of this state:

"*You solemnly swear* (or affirm) *that whenever you give your vote or suffrage touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man.*"

SECTION 27. No person who is not already a freeman of this state, shall be entitled to exercise the privileges of a freeman, unless he be a natural born citizen of this, or some one of the United States, or until he shall have been naturalized agreeably to the acts of Congress.

SECTION 28. Courts of justice shall be maintained in every county in this state, and also in new counties when formed, which courts shall be open for the trial of all causes proper for their cog-

nizance, and justice shall be therein impartially administered without corruption, or unnecessary delay. The judges of the supreme court shall be justices of the peace throughout the state, and the several judges of the county courts, in their respective counties, by virtue of their office, except in the trial of such causes as may be appealed to the county court.

SECTION 29. A future legislature may, when they shall conceive the same to be necessary, erect a Court of Chancery, with such powers as are usually exercised by that court, or as shall appear for the interest of the commonwealth: *provided*, they do not constitute themselves the judges of said court.

SECTION 30. The Writ of Habeas Corpus shall in no case be suspended.—It shall be a writ, issuable of right; and the General Assembly shall make provision to render it a speedy and effectual remedy in all cases proper therefore.

SECTION 31. The inhabitants of this state shall be trained and armed for its defence, under such regulations, restrictions, and exceptions, as Congress, agreeably to the constitution of the United States, and the legislature of this state, shall direct. The several companies of militia shall, as often as vacancies happen, elect their captain, and other officers, and the captains and subalterns shall nominate and recommend the field-officers, of their respective regiments, who shall appoint their staff-officers.

SECTION 32. All commissions shall be in the name of the State of Vermont, sealed with the state seal, signed by the Governor, and in his absence the Lieutenant Governor, and attested by the secretary: which seal shall be kept by the Governor.

SECTION 33. Every officer of state, whether judicial or executive, shall be liable to be impeached by the General Assembly, either when in office, or after his resignation, or removal, for maladministration.

SECTION 34. As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profes-

ment, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors, or expectants, and faction, contention and discord among the people. But if any man is called into public service to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office through increase of fees, or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature. And if any officer shall wittingly and willfully take greater fees than the law allows him, it shall ever after disqualify him from holding any office in this state, until he shall be restored by act of legislation.

SECTION 35. No person in this state shall be capable of holding or exercising more than one of the following offices at the same time, viz. Governor, Lieutenant Governor, Judge of the supreme court, Treasurer of the state, member of senate, member of house of representatives, surveyor-general, or sheriff. Nor shall any person holding any office of profit or trust under the authority of Congress, be eligible to any appointment in the legislature, or of holding any executive or judiciary office under this state.

SECTION 36. The Treasurer's account shall be annually audited, and a fair statement thereof be laid before the General Assembly, at their session in October.

SECTION 37. Every officer, whether judicial, executive or military, in authority under this state, before he enters upon the execution of his office, shall take and subscribe the following oath or affirmation, of allegiance to this state (unless he shall produce evidence that he has before taken the same;) and also the following oath, or affirmation, of office, except military officers, and such as shall be exempted by the legislature:

THE OATH, OR AFFIRMATION, OF ALLEGIANCE.

"*You, do solemnly swear,* (or affirm) *that you will be true and faithful to the State of Vermont, and that you*

will not, directly or indirectly, do any act or thing injurious to the constitution or government thereof, as established by convention. (If an oath) *So help you God,* (If an affirmation) *under the pains and penalties of perjury."*

THE OATH, OR AFFIRMATION, OF OFFICE.

"You, do solemnly swear (or affirm) *that you will faithfully execute the office of for the of , and will therein do equal right and justice to all men, to the best of your judgment and abilities, according to law.* (If an oath) *So help you God,* (if an affirmation) *under the pains and penalties of perjury."*

SECTION 38. No person shall be eligible to the office of Governor, or Lieutenant-Governor, until he shall have resided in this state four years next preceding the day of his election.

SECTION 39. Trials of issues proper for the cognizance of a jury, in the supreme and county courts, shall be by jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption, or partiality, in the choice and return, or appointment, of juries.

SECTION 40. All prosecutions shall commence, *By the authority of the State of Vermont:* all indictments shall conclude with these words, *against the peace and dignity of the state;* and all fines shall be proportioned to the offences.

SECTION 41. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up and assigning over *bona fide*, all his estate, real and personal, in possession, reversion, or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall be bailable, by sufficient sureties; nor shall excessive bail be exacted for bailable offences.

SECTION 42. All elections, whether by the people, or the le-

gislature, shall be free and voluntary; and any elector who shall receive any gift, or reward, for his vote, in meat, drink, monies, or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the law shall direct; and any person who shall directly or indirectly give, promise, or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future legislature shall direct.

SECTION 43. All deeds and conveyances of land shall be recorded in the town clerk's office, in their respective towns, and for want thereof, in the county clerk's office of the same county.

SECTION 44. The legislature shall regulate entails, in such a manner as to prevent perpetuities.

SECTION 45. To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary, means ought to be provided for punishing by hard labor, those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons; and all persons, at proper times, ought to be permitted to see them at their labor.

SECTION 46. The estates of such persons as may destroy their own lives, shall not, for that offence, be forfeited, but descend or ascend, in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited, on account of such misfortune.

SECTION 47. Every person of good character, who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer, land, or other real estate.

SECTION 48. The inhabitants of this state shall have liberty in seasonable times, to hunt, and fowl, on the lands they hold, and on other lands not inclosed, and in like manner to fish in all boat-

able and other waters (not private property) under proper regulations to be hereafter made and provided by the General Assembly.

SECTION 49. Laws for the encouragement of virtue and prevention of vice and immorality, ought to be constantly kept in force, and duly executed, and a competent number of schools ought to be maintained in each town, for the convenient instruction of youth, and one or more grammar schools be incorporated, and properly supported, in each county in this state. And all religious societies or bodies of men, that may be hereafter united or incorporated for the advancement of religion, and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates which they in justice ought to enjoy, under such regulations as the General Assembly of this state shall direct.

SECTION 50. The declaration of the political rights and privileges of the inhabitants of this state, is hereby declared to be a part of the constitution of this commonwealth, and ought not to be violated on any pretence whatever.

SECTION 51. In order that the freedom of this commonwealth may be preserved inviolate forever, there shall be chosen by ballot, by the freemen of this state, on the last Wednesday in March, in the year one thousand seven hundred and ninety-nine, and on the last Wednesday in March in every seven years thereafter, thirteen persons; who shall be chosen in the same manner the Council is chosen, except they shall not be out of the Senate or house of representatives to be called, *the Council of Censors*, who shall meet together on the first Wednesday of June next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a convention, in which two-thirds of the whole number elected shall agree; and whose duty it shall be to inquire, whether the constitution has been preserved inviolate in every part, during the last septenary (including the year of their service) and whether the legislative and executive branches of government have performed their duty as guardians of the people or assumed to themselves, or exercised other or greater powers than they are entitled to by the constitution. They are also to in-

quire whether the public taxes have been justly laid, and collected in all parts of this commonwealth; in what manner the public monies have been disposed of, and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers, and records; they shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as shall appear to them to have been passed contrary to the principles of the constitution: these powers they shall continue to have for and during the space of one year from the day of their election, and no longer. The said Council of Censors shall also have power to call a convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution which may be defective, explaining such as may be thought not clearly expressed, and of adding such as are necessary, for the preservation of the rights and happiness of the people. But the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

SECTION 52. Such parts and provisions only of the Constitution of this State, established by Convention on the ninth day of July, one thousand seven hundred and ninety-three, as are altered or superseded by any of the foregoing amendments, or are repugnant thereto, shall hereafter cease to have effect.

The foregoing is the Constitution of the State of Vermont, as now in force, revised and published by order of Convention, January 13, 1836.

LYMAN FITCH, *President.*

LUTHER B. HUNT, *Secretary.*